RESOLUTIONS OF THE UNITED NATIONS SECURITY COUNCIL AND STATEMENTS BY ITS PRESIDENT CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT

The United Nations Security Council has played a crucial role throughout the major international crisis which began on 2 August 1990 when Iraq invaded, occupied and annexed its neighbour — Kuwait. Beginning on 2 August 1990, the Security Council has adopted 28 resolutions directly relating to the situation between Iraq and Kuwait. In addition, the Council President has issued a number of statements in this connection.

THE CRISIS

On 2 August 1990, Iraqi armed forces crossed into Kuwaiti territory and invaded that country. On the same day, the Security Council adopted its resolution 660 (1990), condemning the invasion and demanding that Iraq immediately and unconditionally withdraw its forces to the positions they had occupied the previous day. On 6 August, the Council voted to impose mandatory arms and economic sanctions against Iraq, except in respect of medical supplies and, in humanitarian circumstances, foodstuffs. It also established a Sanctions Committee under its authority. It did so in resolution 661 (1990), citing Iraq's failure to comply with the call for troop withdrawal, as well as its usurpation of the authority of the legitimate Government of Kuwait.

In all, over the period between 2 August and 29 November 1990, the Council passed 12 resolutions in connection with the situation between Iraq and Kuwait, culminating in resolution 678 (1990). That resolution, adopted on 29 November at a meeting at which 13 members of the Security Council were represented by their Foreign Ministers, specified that if Iraq had not fully implemented by 15 January 1991 all of the Council's resolutions relating to the occupation of Kuwait, Member States cooperating with Kuwait's legitimate Government were authorized to use "all necessary means" to compel Iraq to do so and restore international peace and security in the area. These several weeks before the deadline were seen as one final opportunity, a "pause of goodwill", for renewed diplomatic efforts to find a just and peaceful solution to the conflict.

Despite the diplomatic initiatives of a number of Member States and efforts by the Secretary-General, including his meeting with Iraqi President Saddam Hussein in Baghdad on 12-13 January 1991, Iraq continued its occupation of Kuwait. On 15 January 1991, as the deadline neared, the Secretary-General issued an appeal in which he urged Iraq to comply with the relevant Security Council resolutions, beginning with resolution 660 (1990), and thus to "turn the course of events away from catastrophe".

THE WAR

On 16 January 1991, one day after the deadline, the States cooperating with the Government of Kuwait, acting in accordance with the Council's authorization but not under the control of or direction by the United Nations, began offensive military operations. On 27 February, after six weeks

of intensive air and ground action, Kuwait City was liberated. The same day, Iraq reported that all of its armed forces had withdrawn from Kuwait. It also within hours informed the Security Council that it had decided to comply fully with Council resolution 660 (1990) and all other Security Council resolutions. Offensive operations were suspended as of midnight (New York time) on 28 February 1991.

On 2 March, the Security Council adopted resolution 686 (1991), demanding that Iraq implement its acceptance of all twelve resolutions and specifying the necessary measures to be undertaken by that country, which would permit a definitive end to hostilities. On 3 March, Iraq informed the Secretary-General and the President of the Security Council that it had agreed to fulfil its obligations under resolution 686.

THE CEASE-FIRE

On 3 April 1991, after more than a month of extensive consultations, the Security Council adopted resolution 687 (1991), setting specific terms for a formal cease-fire to end the conflict. The Council declared that a formal cease-fire between Iraq, Kuwait and the countries cooperating with Kuwait would come into effect after official notification by Iraq of its acceptance of the provisions of the resolution.

On 6 April, Iraq officially notified the Secretary-General and the President of the Security Council that it had no choice but to accept the provisions of resolution 687 (1991). On 11 April, the President of the Security Council, on behalf of its members, formally accepted Iraq's notification. He noted that the conditions established in the resolution had been met and that the formal cease-fire was in effect. Since 3 April 1991, the Security Council has adopted 14 more resolutions directly relating to the implementation of resolution 687.

In pursuance of resolution 687 (1991), the following United Nations bodies were established:

The United Nations Iraq-Kuwait Observation Mission (UNIKOM) with the mandate to monitor the Khawr 'Abd Allah waterway between Iraq and Kuwait and the demilitarized zone (DMZ) extending 10 kilometres (6 miles) into Iraq and 5 kilometres (3 miles) into Kuwait; to deter violations of the boundary through its presence in and surveillance of the DMZ; and to observe any hostile or potentially hostile action mounted from the territory of one State to the other. The mandate was later strengthened to enable UNIKOM to take action to prevent or redress small-scale violations of the DMZ, violations of the boundary between Iraq and Kuwait, and problems that might arise from the presence of Iraqi installations and Iraqi citizens and their assets in the DMZ or on the Kuwaiti side of the newly demarcated boundary. *[For more information, see DPI/1306/Rev.2]*

The United Nations Special Commission to oversee the destruction, removal or rendering harmless of all Iraq's chemical and biological weapons and related capabilities and facilities, and its ballistic missiles with a range greater than 150 kilometres. The Commission has also assisted

the International Atomic Energy Agency (IAEA) in the destruction, removal, or rendering harmless as appropriate of Iraq's nuclear capabilities. *[For more information, see DPI/1239/Rev.2.]*

The Iraq-Kuwait Boundary Demarcation Commission to demarcate the international boundary set out in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters", signed by them on 4 October 1963 and registered with the United Nations. The Commission consisted of five members: three independent experts appointed by the Secretary-General and one representative each of Iraq and Kuwait appointed by their respective Governments. The Commission concluded its work and submitted its final report to the Secretary-General on 20 May 1993. *[See document S/25811.]*

The United Nations Compensation Commission to administer the Fund to pay compensation for "any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait". The Commission functions under the authority of the Security Council, of which it is a subsidiary organ. The principal organ of the Commission is the Governing Council, composed of the representatives of the current members of the Security Council. The Governing Council is assisted by a number of Commissioners who are experts in fields such as finance, law, accountancy, insurance and environmental damage assessment and who act in their personal capacity. They are appointed by the Secretary-General. As of 14 January 1994, 2,335,000 compensation claims had been submitted by 78 Governments on behalf of their citizens, their corporations and themselves.

Further to this, in the context of Council resolution 686 (1991), the Secretary-General appointed a senior United Nations official to coordinate the return of property from Iraq to Kuwait.

In addition, the ***Security Council's Sanctions Committee***, established by resolution 661 (1990), monitors the prohibitions against the sale or supply of arms to Iraq and related sanctions set out in resolution 687 (1991), in accordance with the approved guidelines, and reports to the Council at 90-day intervals. Resolutions 706 (1991) and 712 (1991) assigned additional monitoring tasks to the Committee.

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The full text of the Security Council resolutions and Presidential statements relating to the situation between Iraq and Kuwait is reproduced on the following pages. Chapter VII of the United Nations Charter is reproduced in the annex, along with a short explanatory note.

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RESOLUTION 660 (1990)
2 August 1990

Adopted by a vote of 14 in favour and none against. One member, Yemen, did not participate in the vote.

Sponsors: Canada, Colombia, Côte d'Ivoire, Ethiopia, Finland, France, Malaysia, United Kingdom, United States.

The Security Council,

Alarmed by the invasion of Kuwait on 2 August 1990 by the military forces of Iraq,

Determining that there exists a breach of international peace and security as regards the Iraqi invasion of Kuwait,

Acting under Articles 39 and 40 of the Charter of the United Nations,

1. *Condemns* the Iraqi invasion of Kuwait;

2. *Demands* that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990;

3. *Calls upon* Iraq and Kuwait to begin immediately intensive negotiations for the resolution of their differences and supports all efforts in this regard, and especially those of the League of Arab States;

4. *Decides* to meet again as necessary to consider further steps to ensure compliance with the present resolution.

RESOLUTION 661 (1990)
6 August 1990

Adopted by a vote of 13 in favour, none against and 2 abstentions (Cuba and Yemen).

Sponsors: Canada, Colombia, Côte d'Ivoire, Ethiopia, Finland, France, Malaysia, United Kingdom, United States, Zaire.

The Security Council,

Reaffirming its resolution 660 (1990) of 2 August 1990,

Deeply concerned that that resolution has not been implemented and that the invasion by Iraq of Kuwait continues with further loss of human life and material destruction,

Determined to bring the invasion and occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Noting that the legitimate Government of Kuwait has expressed its readiness to comply with resolution 660 (1990),

Mindful of its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

Affirming the inherent right of individual or collective self-defence, in response to the armed attack by Iraq against Kuwait, in accordance with Article 51 of the Charter,

Acting under Chapter VII of the Charter of the United Nations,

1. *Determines* that Iraq so far has failed to comply with paragraph 2 of resolution 660 (1990) and has usurped the authority of the legitimate Government of Kuwait;

2. *Decides,* as a consequence, to take the following measures to secure compliance of Iraq with paragraph 2 of resolution 660 (1990) and to restore the authority of the legitimate Government of Kuwait;

3. *Decides* that all States shall prevent:

(a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or products from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in

their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;

(c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products;

4. Decides that all States shall not make available to the Government of Iraq or to any commercial, industrial or public utility undertaking in Iraq or Kuwait, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories from removing from their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for strictly medical or humanitarian purposes and, in humanitarian circumstances, foodstuffs;

5. Calls upon all States, including States non-members of the United Nations, to act strictly in accordance with the provisions of the present resolution notwithstanding any contract entered into or licence granted before the date of the present resolution;

6. Decides to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To examine the reports on the progress of the implementation of the present resolution which will be submitted by the Secretary-General;

(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in the present resolution;

7. Calls upon all States to co-operate fully with the Committee in the fulfilment of its task, including supplying such information as may be sought by the Committee in pursuance of the present resolution;

8. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for the purpose;

9. Decides that, notwithstanding paragraphs 4 through 8 above, nothing in the present resolution shall prohibit assistance to the legitimate Government of Kuwait, and calls upon all States:

(a) To take appropriate measures to protect assets of the legitimate Government of Kuwait and its agencies;

(b) Not to recognize any regime set up by the occupying Power;

10. Requests the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted within thirty days;

11. Decides to keep this item on its agenda and to continue its efforts to put an early end to the invasion by Iraq.

RESOLUTION 662 (1990)
9 August 1990

Adopted by unanimous vote.

Prepared in the course of the Council's consultations.

The Security Council,

Recalling its resolutions 660 (1990) and 661 (1990),

Gravely alarmed by the declaration by Iraq of a "comprehensive and eternal merger" with Kuwait,

Demanding, once again, that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990,

Determined to bring the occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Determined also to restore the authority of the legitimate Government of Kuwait,

1. Decides that annexation of Kuwait by Iraq under any form and whatever pretext has no legal validity, and is considered null and void;

2. Calls upon all States, international organizations and specialized agencies not to recognize that annexation, and to refrain from any action or dealing that might be interpreted as an indirect recognition of the annexation;

3. Further demands that Iraq rescind its actions purporting to annex Kuwait;

4. Decides to keep this item on its agenda and to continue its efforts to put an early end to the occupation.

RESOLUTION 664 (1990)
18 August 1990

Adopted by unanimous vote.

Prepared in the course of the Council's consultations.

The Security Council,

Recalling the Iraqi invasion and purported annexation of Kuwait and resolutions 660, 661 and 662,

Deeply concerned for the safety and well being of third State nationals in Iraq and Kuwait,

Recalling the obligations of Iraq in this regard under international law,

Welcoming the efforts of the Secretary-General to pursue urgent consultations with the Government of Iraq following the concern and anxiety expressed by the members of the Council on 17 August 1990,

Acting under Chapter VII of the United Nations Charter,

1. Demands that Iraq permit and facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries and grant immediate and continuing access of consular officials to such nationals;

2. Further demands that Iraq take no action to jeopardize the safety, security or health of such nationals;

3. Reaffirms its decision in resolution 662 (1990) that annexation of Kuwait by Iraq is null and void, and therefore demands that the government of Iraq rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of the immunity of their personnel, and refrain from any such actions in the future;

4. Requests the Secretary-General to report to the Council on compliance with this resolution at the earliest possible time.

RESOLUTION 665 (1990)
25 August 1990

Adopted by a vote of 13 in favour, none against and 2 abstentions (Cuba and Yemen).

Sponsors: Canada, Côte d'Ivoire, Finland, France, United Kingdom, United States, Zaire.

The Security Council,

Recalling its resolutions 660 (1990), 661 (1990), 662 (1990) and 664 (1990) and demanding their full and immediate implementation,

Having decided in resolution 661 (1990) to impose economic sanctions under Chapter VII of the Charter of the United Nations,

Determined to bring an end to the occupation of Kuwait by Iraq which imperils the existence of a Member State and to restore the legitimate authority, and the sovereignty, independence and territorial integrity of Kuwait which requires the speedy implementation of the above resolutions,

Deploring the loss of innocent life stemming from the Iraqi invasion of Kuwait and determined to prevent further such losses,

Gravely alarmed that Iraq continues to refuse to comply with resolutions 660 (1990), 661 (1990), 662 (1990) and 664 (1990) and in particular at the conduct of the Government of Iraq in using Iraqi flag vessels to export oil,

1. ***Calls upon*** those Member States cooperating with the Government of Kuwait which are deploying maritime forces to the area to use such measures commensurate to the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping laid down in resolution 661 (1990);

2. ***Invites*** Member States accordingly to cooperate as may be necessary to ensure compliance with the provisions of resolution 661 (1990) with maximum use of political and diplomatic measures, in accordance with paragraph 1 above;

3. ***Requests*** all States to provide in accordance with the Charter such assistance as may be required by the States referred to in paragraph 1 of this resolution;

4. ***Further requests*** the States concerned to coordinate their actions in pursuit of the above paragraphs of this resolution using as appropriate mechanisms of the Military Staff Committee and after consultation with the Secretary-General to submit reports to the Security Council and its Committee established under resolution 661 (1990) to facilitate the monitoring of the implementation of this resolution;

5. ***Decides*** to remain actively seized of the matter.

RESOLUTION 666 (1990)
13 September 1990

Adopted by a vote of 13 in favour and 2 against (Cuba and Yemen).

Sponsors: Canada, Finland, France, Soviet Union, United Kingdom, United States.

The Security Council,

Recalling its resolution 661 (1990), paragraphs 3 (c) and 4 of which apply, except in humanitarian circumstances, to foodstuffs,

Recognizing that circumstances may arise in which it will be necessary for foodstuffs to be supplied to the civilian population in Iraq or Kuwait in order to relieve human suffering,

Noting that in this respect the Committee established under paragraph 6 of that resolution has received communications from several Member States,

Emphasizing that it is for the Security Council, alone or acting through the Committee, to determine whether humanitarian circumstances have arisen,

Deeply concerned that Iraq has failed to comply with its obligations under Security Council resolution 664 (1990) in respect of the safety and well-being of third State nationals, and reaffirming that Iraq retains full responsibility in this regard under international humanitarian law including, where applicable, the Fourth Geneva Convention,

Acting under Chapter VII of the Charter of the United Nations,

1. ***Decides*** that in order to make the necessary determination whether or not for the purposes of para-

graph 3 (c) and paragraph 4 of resolution 661 (1990) humanitarian circumstances have arisen, the Committee shall keep the situation regarding foodstuffs in Iraq and Kuwait under constant review;

2. *Expects* Iraq to comply with its obligations under Security Council resolution 664 (1990) in respect of third State nationals and reaffirms that Iraq remains fully responsible for their safety and well-being in accordance with international humanitarian law including, where applicable, the Fourth Geneva Convention;

3. *Requests,* for the purposes of paragraphs 1 and 2 of this resolution, that the Secretary-General seek urgently, and on a continuing basis, information from relevant United Nations and other appropriate humanitarian agencies and all other sources on the availability of food in Iraq and Kuwait, such information to be communicated by the Secretary-General to the Committee regularly;

4. *Requests further* that in seeking and supplying such information particular attention will be paid to such categories of persons who might suffer specially, such as children under 15 years of age, expectant mothers, maternity cases, the sick and the elderly;

5. *Decides* that if the Committee, after receiving the reports from the Secretary-General, determines that circumstances have arisen in which there is an urgent humanitarian need to supply foodstuffs to Iraq or Kuwait in order to relieve human suffering, it will report promptly to the Council its decision as to how such need should be met;

6. *Directs* the Committee that in formulating its decisions it should bear in mind that foodstuffs should be provided through the United Nations in cooperation with the International Committee of the Red Cross or other appropriate humanitarian agencies and distributed by them or under their supervision in order to ensure that they reach the intended beneficiaries;

7. *Requests* the Secretary-General to use his good offices to facilitate the delivery and distribution of foodstuffs to Kuwait and Iraq in accordance with the provisions of this and other relevant resolutions;

8. *Recalls* that resolution 661 (1990) does not apply to supplies intended strictly for medical purposes, but in this connection recommends that medical supplies should be exported under the strict supervision of the Government of the exporting State or by appropriate humanitarian agencies.

RESOLUTION 667 (1990)
16 September 1990

Adopted by unanimous vote.

Sponsors: Canada, Côte d'Ivoire, Finland, France, United Kingdom, Zaire.

The Security Council,

Reaffirming its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990) and 666 (1990),

Recalling the Vienna Conventions of 18 April 1961 on diplomatic relations and of 24 April 1963 on consular relations, to both of which Iraq is a party,

Considering that the decision of Iraq to order the closure of diplomatic and consular missions in Kuwait and to withdraw the immunity and privileges of these missions and their personnel is contrary to the decisions of the Security Council, the international Conventions mentioned above and international law,

Deeply concerned that Iraq, notwithstanding the decisions of the Security Council and the provisions of the Conventions mentioned above, has committed acts of violence against diplomatic missions and their personnel in Kuwait,

Outraged at recent violations by Iraq of diplomatic premises in Kuwait and at the abduction of personnel enjoying diplomatic immunity and foreign nationals who were present in these premises,

Considering that the above actions by Iraq constitute aggressive acts and a flagrant violation of its international obligations which strike at the root of the conduct of international relations in accordance with the Charter of the United Nations,

Recalling that Iraq is fully responsible for any use of violence against foreign nationals or against any diplomatic or consular mission in Kuwait or its personnel,

Determined to ensure respect for its decisions and for Article 25 of the Charter of the United Nations,

Further considering that the grave nature of Iraq's actions, which constitute a new escalation of its violations of international law, obliges the Council not only to express its immediate reaction but also to consult urgently to take further concrete measures to ensure Iraq's compliance with the Council's resolutions,

Acting under Chapter VII of the Charter of the United Nations,

1. *Strongly condemns* aggressive acts perpetrated by Iraq against diplomatic premises and personnel in Kuwait, including the abduction of foreign nationals who were present in those premises;

2. *Demands* the immediate release of those foreign nationals as well as all nationals mentioned in resolution 664 (1990);

3. *Further demands* that Iraq immediately and fully comply with its international obligations under resolutions 660 (1990), 662 (1990) and 664 (1990) of the Security Council, the Vienna Conventions on diplomatic and consular relations and international law;

4. *Further demands* that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq and take no action to hinder the diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests;

5. *Reminds* all States that they are obliged to observe strictly resolutions 661 (1990), 662 (1990), 664 (1990), 665 (1990) and 666 (1990);

6. *Decides* to consult urgently to take further concrete measures as soon as possible, under Chapter VII of the Charter, in response to Iraq's continued violation of the Charter, of resolutions of the Council and of international law.

RESOLUTION 669 (1990)
24 September 1990

Adopted by unanimous vote.

Prepared in the course of the Council's consultations.

The Security Council,

Recalling its resolution 661 (1990) of 6 August 1990,

Recalling also Article 50 of the Charter of the United Nations,

Conscious of the fact that an increasing number of requests for assistance have been received under the provisions of Article 50 of the Charter of the United Nations,

Entrusts the Committee established under resolution 661 (1990) concerning the situation between Iraq and Kuwait with the task of examining requests for assistance under the provisions of Article 50 of the Charter of the United Nations and making recommendations to the President of the Security Council for appropriate action.

RESOLUTION 670 (1990)
25 September 1990

Adopted by a vote of 14 in favour and 1 against (Cuba). Thirteen of the 15 members of the Council were represented by their Foreign Ministers at the meeting during which this resolution was adopted.

Sponsors: Canada, Côte d'Ivoire, Finland, France, Romania, Soviet Union, United Kingdom, United States, Zaire.

The Security Council,

Reaffirming its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990), and 667 (1990),

Condemning Iraq's continued occupation of Kuwait, its failure to rescind its actions and end its purported annexation and its holding of third State nationals against their will, in flagrant violation of resolutions 660 (1990), 662 (1990), 664 (1990) and 667 (1990) and of international humanitarian law,

Condemning further the treatment by Iraqi forces of Kuwaiti nationals, including measures to force them to leave their own country and mistreatment of persons and property in Kuwait in violation of international law,

Noting with grave concern the persistent attempts to evade the measures laid down in resolution 661 (1990),

Further noting that a number of States have limited the number of Iraqi diplomatic and consular officials in their countries and that others are planning to do so,

Determined to ensure by all necessary means the strict and complete application of the measures laid down in resolution 661 (1990),

Determined to ensure respect for its decisions and the provisions of Articles 25 and 48 of the Charter of the United Nations,

Affirming that any acts of the Government of Iraq which are contrary to the above-mentioned resolutions or to Articles 25 or 48 of the Charter of the United Nations, such as Decree No. 377 of the Revolution Command Council of Iraq of 16 September 1990, are null and void,

Reaffirming its determination to ensure compliance with Security Council resolutions by maximum use of political and diplomatic means,

Welcoming the Secretary-General's use of his good offices to advance a peaceful solution based on the relevant Security Council resolutions and noting with appreciation his continuing efforts to this end,

Underlining to the Government of Iraq that its continued failure to comply with the terms of resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 666 (1990) and 667 (1990) could lead to further serious action by the Council under the Charter of the United Nations, including under Chapter VII,

Recalling the provisions of Article 103 of the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

1. Calls upon all States to carry out their obligations to ensure strict and complete compliance with resolution 661 (1990) and in particular paragraphs 3, 4 and 5 thereof;

2. Confirms that resolution 661 (1990) applies to all means of transport, including aircraft;

3. Decides that all States, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before the date of the present resolution, shall deny permission to any aircraft to take off from their territory if the aircraft would carry any cargo to or from Iraq or Kuwait other than food in humanitarian circumstances, subject to authorization by the Council or the Committee established by resolution 661 (1990) and in accordance with resolution 666 (1990), or supplies intended strictly for medical purposes or solely for UNIIMOG;

4. Decides further that all States shall deny permission to any aircraft destined to land in Iraq or Kuwait, whatever its State of registration, to overfly its territory unless:

(a) The aircraft lands at an airfield designated by that State outside Iraq or Kuwait in order to permit its inspection to ensure that there is no cargo on board in violation of resolution 661 (1990) or the present resolution, and for this purpose the aircraft may be detained for as long as necessary; or

(b) the particular flight has been approved by the Committee established by resolution 661 (1990); or

(c) The flight is certified by the United Nations as solely for the purposes of UNIIMOG;

5. Decides that each State shall take all necessary measures to ensure that any aircraft registered in its territory or operated by an operator who has his principal place of business or permanent residence in its territory complies with the provisions of resolution 661 (1990) and the present resolution;

6. Decides further that all States shall notify in a timely fashion the Committee stablished by resolution 661 (1990) of any flight between its territory and Iraq or Kuwait to which the requirement to land in paragraph 4 above does not apply, and the purpose for such a flight;

7. Calls upon all States to cooperate in taking such measures as may be necessary, consistent with international law, including the Chicago Convention, to ensure the effective implementation of the provisions of resolution 661 (1990) or the present resolution;

8. Calls upon all States to detain any ships of Iraqi registry which enter their ports and which are being or have been used in violation of resolution 661 (1990), or to deny such ships entrance to their ports except in circumstances recognized under international law as necessary to safeguard human life;

9. Reminds all States of their obligations under resolution 661 (1990) with regard to the freezing of Iraqi assets, and the protection of the assets of the legitimate Government of Kuwait and its agencies, located within their territory and to report to the Committee established under resolution 661 (1990) regarding those assets;

10. Calls upon all States to provide to the Committee established by resolution 661 (1990) information regarding the action taken by them to implement the provisions laid down in the present resolution;

11. Affirms that the United Nations Organization, the specialized agencies and other international organizations in the United Nations system are required to take such measures as may be necessary to give effect to the terms of resolution 661 (1990) and this resolution;

12. Decides to consider, in the event of evasion of the provisions of resolution 661 (1990) or of the present resolution by a State or its nationals or through its territory, measures directed at the State in question to prevent such evasion;

13. Reaffirms that the Fourth Geneva Convention applies to Kuwait and that as a High Contracting Party to the Convention Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches.

RESOLUTION 674 (1990)
29 October 1990

Adopted by a vote of 13 in favour, none against and 2 abstentions (Cuba and Yemen).

Sponsors: Canada, Finland, France, Romania, Soviet Union, United Kingdom, United States, Zaire.

The Security Council,

Recalling its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990), 667 (1990) and 670 (1990),

Stressing the urgent need for the immediate and unconditional withdrawal of all Iraqi forces from Kuwait, for the restoration of Kuwait's sovereignty,

independence and territorial integrity and of the authority of its legitimate government,

Condemning the actions by the Iraqi authorities and occupying forces to take third-State nationals hostage and to mistreat and oppress Kuwaiti and third-State nationals, and the other actions reported to the Security Council, such as the destruction of Kuwaiti demographic records, the forced departure of Kuwaitis, the relocation of population in Kuwait and the unlawful destruction and seizure of public and private property in Kuwait, including hospital supplies and equipment, in violation of the decisions of the Council, the Charter of the United Nations, the Fourth Geneva Convention, the Vienna Conventions on Diplomatic and Consular Relations and international law,

Expressing grave alarm over the situation of nationals of third States in Kuwait and Iraq, including the personnel of the diplomatic and consular missions of such States,

Reaffirming that the Fourth Geneva Convention applies to Kuwait and that as a High Contracting Party to the Convention Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of grave breaches,

Recalling the efforts of the Secretary-General concerning the safety and well-being of third-State nationals in Iraq and Kuwait,

Deeply concerned at the economic cost and at the loss and suffering caused to individuals in Kuwait and Iraq as a result of the invasion and occupation of Kuwait by Iraq,

Acting under Chapter VII of the Charter of the United Nations,

Reaffirming the goal of the international community of maintaining international peace and security by seeking to resolve international disputes and conflicts through peaceful means,

Recalling the important role that the United Nations and its Secretary-General have played in the peaceful solution of disputes and conflicts in conformity with the provisions of the Charter,

Alarmed by the dangers of the present crisis caused by the Iraqi invasion and occupation of Kuwait, which directly threaten international peace and security, and seeking to avoid any further worsening of the situation,

Calling upon Iraq to comply with the relevant resolutions of the Security Council, in particular its resolutions 660 (1990), 662 (1990) and 664 (1990),

Reaffirming its determination to ensure compliance by Iraq with the Security Council resolutions by maximum use of political and diplomatic means,

A

1. Demands that the Iraqi authorities and occupying forces immediately cease and desist from taking third-State nationals hostage, mistreating and oppressing Kuwaiti and third-State nationals and any other actions, such as those reported to the Security Council and described above, that violate the decisions of this Council, the Charter of the United Nations, the Fourth Geneva Convention, the Vienna Conventions on Diplomatic and Consular Relations and international law;

2. Invites States to collate substantiated information in their possession or submitted to them on the grave breaches by Iraq as per paragraph 1 above and to make this information available to the Security Council;

3. Reaffirms its demand that Iraq immediately fulfil its obligations to third-State nationals in Kuwait and Iraq, including the personnel of diplomatic and consular missions, under the Charter, the Fourth Geneva Convention, the Vienna Conventions on Diplomatic and Consular Relations, general principles of international law and the relevant resolutions of the Council;

4. Also reaffirms its demand that Iraq permit and facilitate the immediate departure from Kuwait and

Iraq of those third-State nationals, including diplomatic and consular personnel, who wish to leave;

5. Demands that Iraq ensure the immediate access to food, water and basic services necessary to the protection and well-being of Kuwaiti nationals and of nationals of third States in Kuwait and Iraq, including the personnel of diplomatic and consular missions in Kuwait;

6. Reaffirms its demand that Iraq immediately protect the safety and well-being of diplomatic and consular personnel and premises in Kuwait and in Iraq, take no action to hinder these diplomatic and consular missions in the performance of their functions, including access to their nationals and the protection of their person and interests and rescind its orders for the closure of diplomatic and consular missions in Kuwait and the withdrawal of the immunity of their personnel;

7. Requests the Secretary-General, in the context of the continued exercise of his good offices concerning the safety and well-being of third-State nationals in Iraq and Kuwait, to seek to achieve the objectives of paragraphs 4, 5 and 6 above and in particular the provision of food, water and basic services to Kuwaiti nationals and to the diplomatic and consular missions in Kuwait and the evacuation of third-State nationals;

8. Reminds Iraq that under international law it is liable for any loss, damage or injury arising in regard to Kuwait and third States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq;

9. Invites States to collect relevant information regarding their claims, and those of their nationals and corporations, for restitution or financial compensation by Iraq with a view to such arrangements as may be established in accordance with international law;

10. Requires that Iraq comply with the provisions of the present resolution and its previous resolutions, failing which the Security Council will need to take further measures under the Charter;

11. Decides to remain actively and permanently seized of the matter until Kuwait has regained its independence and peace has been restored in conformity with the relevant resolutions of the Security Council;

B

12. Reposes its trust in the Secretary-General to make available his good offices and, as he considers appropriate, to pursue them and to undertake diplomatic efforts in order to reach a peaceful solution to the crisis caused by the Iraqi invasion and occupation of Kuwait on the basis of Security Council resolutions 660 (1990), 662 (1990) and 664 (1990), and calls upon all States, both those in the region and others, to pursue on this basis their efforts to this end, in conformity with the Charter, in order to improve the situation and restore peace, security and stability;

13. Requests the Secretary-General to report to the Security Council on the results of his good offices and diplomatic efforts.

RESOLUTION 677 (1990)
28 November 1990

Adopted by unanimous vote.

Sponsors: Canada, Côte d'Ivoire, Ethiopia, Finland, Kuwait, Romania, United Kingdom, Zaire.

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 662 (1990) of 9 August 1990 and 674 (1990) of 29 October 1990,

Reiterating its concern for the suffering caused to individuals in Kuwait as a result of the invasion and occupation of Kuwait by Iraq,

Gravely concerned at the ongoing attempt by Iraq to alter the demographic composition of the population of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait,

Acting under Chapter VII of the Charter of the United Nations,

1. *Condemns* the attempts by Iraq to alter the demographic composition of the population of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait;

2. *Mandates* the Secretary-General to take custody of a copy of the population register of Kuwait, the authenticity of which has been certified by the legitimate Government of Kuwait and which covers the registration of the population up to 1 August 1990;

3. *Requests* the Secretary-General to establish, in cooperation with the legitimate Government of Kuwait, an Order of Rules and Regulations governing access to and use of the said copy of the population register.

RESOLUTION 678 (1990)
29 November 1990

Adopted by a vote of 12 in favour, 2 against (Cuba and Yemen) and 1 abstention (China). Thirteen of the 15 members of the Council were represented by their Foreign Ministers at the meeting during which this resolution was adopted.

Sponsors: Canada, France, Romania, Soviet Union, United Kingdom, United States.

The Security Council,

Recalling and reaffirming its resolutions 660 (1990) of 2 August (1990), 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990 and 677 (1990) of 28 November 1990,

Noting that, despite all efforts by the United Nations, Iraq refuses to comply with its obligation to implement resolution 660 (1990) and the above-mentioned subsequent relevant resolutions, in flagrant contempt of the Security Council,

Mindful of its duties and responsibilities under the Charter of the United Nations for the maintenance and preservation of international peace and security,

Determined to secure full compliance with its decisions,

Acting under Chapter VII of the Charter,

1. *Demands* that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;

2. *Authorizes* Member States cooperating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the foregoing resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;

3. *Requests* all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 of the present resolution;

4. *Requests* the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to paragraphs 2 and 3 of the present resolution;

5. *Decides* to remain seized of the matter.

RESOLUTION 686 (1991)
2 March 1991

Adopted by a vote of 11 in favour, 1 against (Cuba) and 3 abstentions (China, India, Yemen).

Sponsors: Belgium, France, Romania, Soviet Union, United Kingdom, United States, Zaire.

The Security Council,

Recalling and reaffirming its resolutions 660 (1990), 661 (1990), 662 (1990), 664 (1990), 665 (1990), 666 (1990), 667 (1990), 669

(1990), 670 (1990), 674 (1990), 677 (1990), and 678 (1990),

Recalling the obligations of Member States under Article 25 of the Charter,

Recalling paragraph 9 of resolution 661 (1990) regarding assistance to the Government of Kuwait and paragraph 3 (c) of that resolution regarding supplies strictly for medical purposes and, in humanitarian circumstances, foodstuffs,

Taking note of the letters of the Foreign Minister of Iraq confirming Iraq's agreement to comply fully with all of the resolutions noted above (S/22275), and stating its intention to release prisoners of war immediately (S/22273),

Taking note of the suspension of offensive combat operations by the forces of Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990),

Bearing in mind the need to be assured of Iraq's peaceful intentions, and the objective in resolution 678 (1990) of restoring international peace and security in the region,

Underlining the importance of Iraq taking the necessary measures which would permit a definitive end to the hostilities,

Affirming the commitment of all Member States to the independence, sovereignty and territorial integrity of Iraq and Kuwait, and ***noting*** the intention expressed by the Member States cooperating under paragraph 2 of Security Council resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with achieving the objectives of the resolution,

Acting under Chapter VII of the Charter,

1. Affirms that all twelve resolutions noted above continue to have full force and effect;

2. Demands that Iraq implement its acceptance of all twelve resolutions noted above and in particular that Iraq:

(a) Rescind immediately its actions purporting to annex Kuwait;

(b) Accept in principle its liability under international law for any loss, damage, or injury arising in regard to Kuwait and third States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq;

(c) Immediately release under the auspices of the International Committee of the Red Cross, Red Cross Societies, or Red Crescent Societies, all Kuwaiti and third country nationals detained by Iraq and return the remains of any deceased Kuwaiti and third country nationals so detained; and

(d) Immediately begin to return all Kuwaiti property seized by Iraq, to be completed in the shortest possible period;

3. Further demands that Iraq:

(a) Cease hostile or provocative actions by its forces against all Member States, including missile attacks and flights of combat aircraft;

(b) Designate military commanders to meet with counterparts from the forces of Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990) to arrange for the military aspects of a cessation of hostilities at the earliest possible time;

(c) Arrange for immediate access to and release of all prisoners of war under the auspices of the International Committee of the Red Cross and return the remains of any deceased personnel of the forces of Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990); and

(d) Provide all information and assistance in identifying Iraqi mines, booby traps and other explosives as well as any chemical and biological weapons and material in Kuwait, in areas of Iraq where forces of Member States cooperating with Kuwait pursuant to resolution 678 (1990) are present temporarily, and in the adjacent waters;

4. Recognizes that during the period required for Iraq to comply with paragraphs 2 and 3 above, the provisions of paragraph 2 of resolution 678 (1990) remain valid;

5. Welcomes the decision of Kuwait and the Member States cooperating with Kuwait pursuant to resolution 678 (1990) to provide access and to commence immediately the release of Iraqi prisoners of war as required by the terms of the Third Geneva Convention of 1949, under the auspices of the International Committee of the Red Cross;

6. Requests all Member States, as well as the United Nations, the specialized agencies and other international organizations in the United Nations system, to take all appropriate action to cooperate with the Government and people of Kuwait in the reconstruction of their country;

7. Decides that Iraq shall notify the Secretary-General and the Security Council when it has taken the actions set out above;

8. Decides that in order to secure the rapid establishment of a definitive end to the hostilities, the Security Council remains actively seized of the matter.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
3 March 1991 (S/22322)

Following consultations of the Security Council, the President made the following statement, on behalf of the Council, at its 2979th meeting on 3 March 1991, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The Council welcomes the decisions taken to date relating to food and medical needs by the Committee established under resolution 661 including those just taken to facilitate the provision of humanitarian assistance including infant formula and water purification material.

It calls upon the Committee to continue to act promptly on requests submitted to it for humanitarian assistance.

It urges the Committee to pay particular attention to the findings and recommendations on critical medical/public health and nutritional conditions in Iraq which have been and will continue to be submitted to it by the World Health Organization, UNICEF, the International Committee of the Red Cross and other relevant organizations, consistent with the relevant resolutions, and urges these humanitarian agencies to play an active role in this process and cooperate closely with the Committee in its work.

The Council welcomes the Secretary-General's announcement that he plans to send urgently a mission led by Under-Secretary-General Martti Ahtisaari comprising representatives of the appropriate United Nations agencies to Iraq and Kuwait to assess the humanitarian needs arising in the immediate post crisis environment. The Council invites the Secretary-General to keep it informed in the shortest possible time on the progress of his mission on which it pledges to take immediate action.

RESOLUTION 687 (1991)
3 April 1991

Adopted by a vote of 12 in favour, 1 against (Cuba) and 2 abstentions (Ecuador, Yemen).

Sponsors: Belgium, France, Romania, United Kingdom, United States, Zaire.

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, 677 (1990) of 28 November 1990, 678 (1990) of 29 November 1990 and 686 (1991) of 2 March 1991,

Welcoming the restoration to Kuwait of its sovereignty, independence and territorial integrity and the return of its legitimate Government,

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991),

Reaffirming the need to be assured of Iraq's peaceful intentions in light of its unlawful invasion and occupation of Kuwait,

Taking note of the letter sent by the Foreign Minister of Iraq on 27 February 1991 (S/22275) and those sent pursuant to resolution 686 (1991), (S/22273, S/22276, S/22320, S/22321 and S/22330),

Noting that Iraq and Kuwait, as independent sovereign States, signed at Baghdad on 4 October 1963 "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", thereby recognizing formally the boundary between Iraq and Kuwait and the allocation of islands, which were registered with the United Nations in accordance with Article 102 of the Charter and in which Iraq recognized the independence and complete sovereignty of the State of Kuwait within its borders as specified and accepted in the letter of the Prime Minister of Iraq dated 21 July 1932, and as accepted by the Ruler of Kuwait in his letter dated 10 August 1932,

Conscious of the need for demarcation of the said boundary,

Conscious also of the statements by Iraq threatening to use weapons in violation of its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and of its prior use of chemical weapons and affirming that grave consequences would follow any further use by Iraq of such weapons,

Recalling that Iraq has subscribed to the Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held at Paris from 7 to 11 January 1989, establishing the objective of universal elimination of chemical and biological weapons,

Recalling further that Iraq has signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972,

Noting the importance of Iraq ratifying this Convention,

Noting moreover the importance of all States adhering to this Convention and encouraging its forthcoming Review Conference to reinforce the authority, efficiency and universal scope of the Convention,

Stressing the importance of an early conclusion by the Conference on Disarmament of its work on a Convention on the Universal Prohibition of Chemical Weapons and of universal adherence thereto,

Aware of the use by Iraq of ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq,

Concerned by the reports in the hands of Member States that Iraq has attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968,

Recalling the objective of the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Conscious of the threat which all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons,

Conscious also of the objective of achieving balanced and comprehensive control of armaments in the region,

Conscious further of the importance of achieving the objectives noted above using all available means, including a dialogue among the States of the region,

Noting that resolution 686 (1991) marked the lifting of the measures imposed by resolution 661 (1990) in so far as they applied to Kuwait,

Noting that despite the progress being made in fulfilling the obligations of resolution 686 (1991), many Kuwaiti and third country nationals are still not accounted for and property remains unreturned,

Recalling the International Convention against the Taking of Hostages, opened for signature at New York on 18 December 1979, which categorizes all acts of taking hostages as manifestations of international terrorism,

Deploring threats made by Iraq during the recent conflict to make use of terrorism against targets outside Iraq and the taking of hostages by Iraq,

Taking note with grave concern of the reports of the Secretary-General of 20 March 1991 (S/22366) and 28 March 1991 (S/22409), and conscious of the necessity to meet urgently the humanitarian needs in Kuwait and Iraq,

Bearing in mind its objective of restoring international peace and security in the area as set out in recent Security Council resolutions,

Conscious of the need to take the following measures acting under Chapter VII of the Charter,

1. Affirms all thirteen resolutions noted above, except as expressly changed below to achieve the goals of this resolution, including a formal ceasefire;

A

2. Demands that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations and published by the United Nations in document 7063, United Nations Treaty Series, 1964;

3. Calls on the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material, including the map transmitted by Security Council document S/22412 and to report back to the Security Council within one month;

4. Decides to guarantee the inviolability of the above-mentioned international boundary and to take as appropriate all necessary measures to that end in accordance with the Charter;

B

5. Requests the Secretary-General, after consulting with Iraq and Kuwait, to submit within three days to the Security Council for its approval a plan for the immediate deployment of a United Nations observer unit to monitor the Khor Abdullah and a demilitarized zone, which is hereby established, extending ten kilometres into Iraq and five kilometres into Kuwait from the boundary referred to in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters" of 4 October 1963; to deter violations of the boundary through its presence in and surveillance of the demilitarized zone; to observe any hostile or potentially hostile action mounted from the territory of one State to the other; and for the Secretary-General to report regularly to the Council on the operations of the unit, and immediately if there

are serious violations of the zone or potential threats to peace;

6. *Notes* that as soon as the Secretary-General notifies the Council of the completion of the deployment of the United Nations observer unit, the conditions will be established for the Member States cooperating with Kuwait in accordance with resolution 678 (1990) to bring their military presence in Iraq to an end consistent with resolution 686 (1991);

C

7. *Invites* Iraq to reaffirm unconditionally its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and to ratify the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972;

8. *Decides* that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:

(a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities;

(b) All ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities;

9. *Decides,* for the implementation of paragraph 8 above, the following:

(a) Iraq shall submit to the Secretary-General, within fifteen days of the adoption of this resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below;

(b) The Secretary-General, in consultation with the appropriate Governments and, where appropriate, with the Director-General of the World Health Organization (WHO), within forty-five days of the passage of this resolution, shall develop, and submit to the Council for approval, a plan calling for the completion of the following acts within forty-five days of such approval:

(i) The forming of a Special Commission, which shall carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself;

(ii) The yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless, taking into account the requirements of public safety, of all items specified under paragraph 8 (a) above, including items at the additional locations designated by the Special Commission under paragraph 9 (b) (i) above and the destruction by Iraq, under the supervision of the Special Commission, of all its missile capabilities, including launchers, as specified under paragraph 8 (b) above;

(iii) The provision by the Special Commission of the assistance and cooperation to the Director-General of the International Atomic Energy Agency (IAEA) required in paragraphs 12 and 13 below;

10. *Decides* that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 above and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with this paragraph, to be submitted to the Council for approval within one hundred and twenty days of the passage of this resolution;

11. *Invites* Iraq to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

12. *Decides* that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or

components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director-General of the IAEA within fifteen days of the adoption of this resolution a declaration of the locations, amounts, and types of all items specified above; to place all of its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of the IAEA, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9 (b) above; to accept, in accordance with the arrangements provided for in paragraph 13 below, urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 below for the future ongoing monitoring and verification of its compliance with these undertakings;

13. Requests the Director-General of the IAEA, through the Secretary-General, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General in paragraph 9 (b) above, to carry out immediate on-site inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission; to develop a plan for submission to the Security Council within forty-five days calling for the destruction, removal, or rendering harmless as appropriate of all items listed in paragraph 12 above; to carry out the plan within forty-five days following approval by the Security Council; and to develop a plan, taking into account the rights and obligations of Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 above, including an inventory of all nuclear material in Iraq subject to the Agency's verification and inspections to confirm that IAEA safeguards cover all relevant nuclear activities in Iraq, to be submitted to the Council for approval within one hundred and twenty days of the passage of the present resolution;

14. Takes note that the actions to be taken by Iraq in paragraphs 8, 9, 10, 11, 12 and 13 of this resolution represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons;

D

15. Requests the Secretary-General to report to the Security Council on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property which Kuwait claims has not been returned or which has not been returned intact;

E

16. Reaffirms that Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait;

17. Decides that all Iraqi statements made since 2 August 1990 repudiating its foreign debt are null and void, and demands that Iraq scrupulously adhere to all of its obligations concerning servicing and repayment of its foreign debt;

18. Decides to create a fund to pay compensation for claims that fall within paragraph 16 above and to establish a Commission that will administer the fund;

19. Directs the Secretary-General to develop and present to the Council for decision, no later than thirty days following the adoption of this resolution, recommendations for the fund to meet the requirement for the payment of claims established in accordance with paragraph 18 above and for a programme to implement the decisions in paragraphs 16, 17 and 18 above, including: administration of the fund; mechanisms for determining the

appropriate level of Iraq's contribution to the fund based on a percentage of the value of the exports of petroleum and petroleum products from Iraq not to exceed a figure to be suggested to the Council by the Secretary-General, taking into account the requirements of the people of Iraq, Iraq's payment capacity as assessed in conjunction with the international financial institutions taking into consideration external debt service, and the needs of the Iraqi economy; arrangements for ensuring that payments are made to the fund; the process by which funds will be allocated and claims paid; appropriate procedures for evaluating losses, listing claims and verifying their validity and resolving disputed claims in respect of Iraq's liability as specified in paragraph 16 above; and the composition of the Commission designated above;

F

20. Decides, effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products, other than medicine and health supplies, and prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall not apply to foodstuffs notified to the Committee established by resolution 661 (1990) or, with the approval of that Committee, under the simplified and accelerated "no-objection" procedure, to materials and supplies for essential civilian needs as identified in the report of the Secretary-General dated 20 March 1991 (S/22366), and in any further findings of humanitarian need by the Committee;

21. Decides that the Council shall review the provisions of paragraph 20 above every sixty days in light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Security Council, for the purpose of determining whether to reduce or lift the prohibitions referred to therein;

22. Decides that upon the approval by the Council of the programme called for in paragraph 19 above and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8, 9, 10, 11, 12 and 13 above, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall have no further force or effect;

23. Decides that, pending action by the Council under paragraph 22 above, the Committee established by resolution 661 (1990) shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20 above, exceptions to the prohibition against the import of commodities and products originating in Iraq;

24. Decides that, in accordance with resolution 661 (1990) and subsequent related resolutions and until a further decision is taken by the Council, all States shall continue to prevent the sale or supply, or promotion or facilitation of such sale or supply, to Iraq by their nationals, or from their territories or using their flag vessels or aircraft, of:

(a) Arms and related *matériel* of all types, specifically including the sale or transfer through other means of all forms of conventional military equipment, including for paramilitary forces, and spare parts and components and their means of production, for such equipment;

(b) Items specified and defined in paragraphs 8 and 12 above not otherwise covered above;

(c) Technology under licensing or other transfer arrangements used in the production, utilization or stockpiling of items specified in subparagraphs (a) and (b) above;

(d) Personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items specified in subparagraphs (a) and (b) above;

25. Calls upon all States and international organizations to act strictly in accordance with paragraph 24 above, notwithstanding the existence of any

contracts, agreements, licences or any other arrangements;

26. Requests the Secretary-General, in consultation with appropriate Governments, to develop within sixty days, for the approval of the Council, guidelines to facilitate full international implementation of paragraphs 24 and 25 above and paragraph 27 below, and to make them available to all States and to establish a procedure for updating these guidelines periodically;

27. Calls upon all States to maintain such national controls and procedures and to take such other actions consistent with the guidelines to be established by the Security Council under paragraph 26 above as may be necessary to ensure compliance with the terms of paragraph 24 above, and calls upon international organizations to take all appropriate steps to assist in ensuring such full compliance;

28. Agrees to review its decisions in paragraphs 22, 23, 24 and 25 above, except for the items specified and defined in paragraphs 8 and 12 above, on a regular basis and in any case one hundred and twenty days following passage of this resolution, taking into account Iraq's compliance with the resolution and general progress towards the control of armaments in the region;

29. Decides that all States, including Iraq, shall take the necessary measures to ensure that no claim shall lie at the instance of the Government of Iraq, or of any person or body in Iraq, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 661 (1990) and related resolutions;

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30. Decides that, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals, Iraq shall extend all necessary cooperation to the International Committee of the Red Cross, providing lists of such persons, facilitating the access of the International Committee of the Red Cross to all such persons wherever located or detained and facilitating the search by the International Committee of the Red Cross for those Kuwaiti and third country nationals still unaccounted for;

31. Invites the International Committee of the Red Cross to keep the Secretary-General apprised as appropriate of all activities undertaken in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990;

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32. Requires Iraq to inform the Council that it will not commit or support any act of international terrorism or allow any organization directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism;

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33. Declares that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above, a formal cease-fire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990);

34. Decides to remain seized of the matter and to take such further steps as may be required for the implementation of this resolution and to secure peace and security in the area.

RESOLUTION 689 (1991)
9 April 1991

Adopted by unanimous vote.

Prepared in the course of the Council's consultations.

The Security Council,

Recalling its resolution 687 (1991),

Acting under Chapter VII of the Charter of the United Nations,

1. Approves the report of the Secretary-General on the implementation of paragraph 5 of Security Council resolution 687 (1991) contained in document S/22454 and Add. 1-3 of 5 and 9 April 1991, respectively;

2. Notes that the decision to set up the observer unit was taken in paragraph 5 of resolution 687 (1991) and can only be terminated by a decision of the Council; the Council shall therefore review the question of termination or continuation every six months;

3. Decides that the modalities for the initial six-month period of the United Nations Iraq-Kuwait Observation Mission shall be in accordance with the above-mentioned report and shall also be reviewed every six months.

STATEMENT BY THE PRESIDENT OF THE COUNCIL 29 April 1991 (S/22548)

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 2985th meeting on 29 April 1991, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council have considered the memorandum dated 22 March 1991 (S/22382) which was addressed to the President of the Security Council by the 21 States which have invoked Article 50 of the United Nations Charter owing to the special economic problems arising from the implementation of the sanctions imposed against Iraq and Kuwait under Council resolution 661 (1990).

The members of the Security Council have taken note of the Secretary-General's oral report to them on 11 April 1991, in which he supported the appeal launched by the 21 States that have invoked Article 50. The Secretary-General further informed the Council on 26 April 1991 of the conclusions reached by the Administrative Committee on Coordination (ACC) at the session it has just held in Paris, where members of ACC agreed to vigorously pursue their efforts to respond effectively to the needs of countries most affected by the implementation of resolution 661. The Secretary-General will coordinate through ACC, within the framework of this assistance, the activities of organizations of the United Nations system.

The members of the Security Council have taken note of the replies from a number of States (Austria, Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Luxembourg on behalf of the European Community and its 12 member States, Netherlands, New Zealand, Norway, Portugal, Spain, Switzerland, United Kingdom, United States and the USSR) which have furnished specific information on the assistance they have provided to various affected countries; they have also taken note of the replies from officials of international financial institutions, such as those received from the President of the World Bank and the Managing Director of IMF. They invite other Member States and international financial institutions and organizations to inform the Secretary-General as soon as possible of the measures that they have taken on behalf of the States which have invoked Article 50.

The members of the Security Council make a solemn appeal to States, international financial institutions and United Nations bodies to respond positively and speedily to the recommendations of the Security Council Committee, established under resolution 661, for assistance to countries which find themselves confronted with special economic problems arising from the carrying out of those measures imposed by resolution 661 and which have invoked Article 50.

The members of the Security Council note that the procedure established under Article 50 of the Charter remains in effect.

RESOLUTION 692 (1991)
20 May 1991

Adopted by a vote of 14 in favour, none against and 1 abstention (Cuba).

Sponsors: Belgium, France, Romania, Soviet Union, United Kingdom, United States, Zaire.

The Security Council,

Recalling its resolutions 674 (1990) of 29 October 1990, 686 (1991) of 2 March 1991 and 687 (1991) of 3 April 1991, concerning the liability of Iraq, without prejudice to its debts and obligations arising prior to 2 August 1990, for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait,

Taking note of the Secretary-General's report of 2 May 1991 (S/22559), submitted in accordance with paragraph 19 of resolution 687 (1991),

Acting under Chapter VII of the Charter of the United Nations,

1. Expresses its appreciation to the Secretary-General for his report of 2 May 1991;

2. Welcomes the fact that the Secretary-General will now undertake the appropriate consultations requested by paragraph 19 of resolution 687 (1991) so that he will be in a position to recommend to the Security Council for decision as soon as possible the figure which the level of Iraq's contribution to the Fund will not exceed;

3. Decides to establish the Fund and the Commission referred to in paragraph 18 of resolution 687 (1991) in accordance with section I of the Secretary-General's report, and that the Governing Council will be located at the United Nations Office at Geneva and that the Governing Council may decide whether some of the activities of the Commission should be carried out elsewhere;

4. Requests the Secretary-General to take the actions necessary to implement paragraphs 2 and 3 above in consultation with the members of the Governing Council;

5. Directs the Governing Council to proceed in an expeditious manner to implement the provisions of section E of resolution 687 (1991), taking into account the recommendations in section II of the Secretary-General's report;

6. Decides that the requirement for Iraqi contributions will apply in the manner to be prescribed by the Governing Council with respect to all Iraqi petroleum and petroleum products exported from Iraq after 3 April 1991 as well as such petroleum and petroleum products exported earlier but not delivered or not paid for as a specific result of the prohibitions contained in Security Council resolution 661 (1990);

7. Requests the Governing Council to report as soon as possible on the actions it has taken with regard to the mechanisms for determining the appropriate level of Iraq's contribution to the Fund and the arrangements for ensuring that payments are made to the Fund, so that the Security Council can give its approval in accordance with paragraph 22 of resolution 687 (1991);

8. Requests that all States and international organizations cooperate with the decisions of the Governing Council taken pursuant to paragraph 5 of this resolution, and also requests that the Governing Council keep the Security Council informed on this matter;

9. Decides that, if the Governing Council notifies the Security Council that Iraq has failed to carry out decisions of the Governing Council taken pursuant to paragraph 5 of this resolution, the Security Council intends to retain or to take action to reimpose the prohibition against the import of petroleum and petroleum products originating in Iraq and financial transactions related thereto;

10. Decides also to remain seized of this matter and that the Governing Council will submit peri-

odic reports to the Secretary-General and the Security Council.

RESOLUTION 699 (1991)
17 June 1991

Adopted by unanimous vote.

Sponsors: France, Soviet Union, United Kingdom, United States.

The Security Council,

Recalling its resolution 687 (1991),

Taking note of the report of the Secretary-General of 17 May 1991 (S/22614), submitted to it in pursuance of paragraph 9 (b) of resolution 687 (1991),

Also taking note of the Secretary-General's note of 17 May 1991 (S/22615), transmitting to the Council the letter addressed to him under paragraph 13 of the resolution by the Director-General of the International Atomic Energy Agency (IAEA),

Acting under Chapter VII of the Charter,

1. Approves the plan contained in the report of the Secretary-General;

2. Confirms that the Special Commission and the IAEA have the authority to conduct activities under section C of resolution 687 (1991), for the purpose of the destruction, removal or rendering harmless of the items specified in paragraphs 8 and 12 of that resolution, after the 45-day period following the approval of this plan until such activities have been completed;

3. Requests the Secretary-General to submit to the Security Council progress reports on the implementation of the plan referred to in paragraph 1 every six months after the adoption of this resolution;

4. Decides to encourage the maximum assistance, in cash and in kind, from all Member States to ensure that activities under section C of resolution 687 (1991) are undertaken effectively and expeditiously; further decides, however, that the Government of Iraq shall be liable for the full costs of carrying out the tasks authorized by section C; and requests the Secretary-General to submit to the Council within 30 days for approval recommendations as to the most effective means by which Iraq's obligations in this respect may be fulfilled.

RESOLUTION 700 (1991)
17 June 1991

Adopted by unanimous vote.

Sponsors: Belgium, France, Soviet Union, United Kingdom, United States.

The Security Council,

Recalling its resolutions 661 (1990) of 6 August 1990, 665 (1990) of 25 August 1990, 670 (1990) of 25 September 1990 and 687 (1991) of 3 April 1991,

Taking note of the Secretary-General's report of 2 June 1991 (S/22660) submitted pursuant to paragraph 26 of resolution 687 (1991),

Acting under Chapter VII of the Charter of the United Nations,

1. Expresses its appreciation to the Secretary-General for his report of 2 June 1991 (S/22660);

2. Approves the Guidelines to Facilitate Full International Implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991), annexed to the report of the Secretary-General (S/22660);

3. Reiterates its call upon all States and international organizations to act in a manner consistent with the Guidelines;

4. Requests all States, in accordance with paragraph 8 of the Guidelines, to report to the Secretary-General within 45 days on the measures they have instituted for meeting the obligations set out in paragraph 24 of resolution 687 (1991);

5. *Entrusts* the Committee established under resolution 661 (1990) concerning the situation between Iraq and Kuwait with the responsibility, under the Guidelines, for monitoring the prohibitions against the sale or supply of arms to Iraq and related sanctions established in paragraph 24 of resolution 687 (1991);

6. *Decides* to remain seized of the matter and to review the Guidelines at the same time as it reviews paragraphs 22, 23, 24 and 25 of resolution 687 (1991) as set out in paragraph 28 thereof.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
28 June 1991 (S/22746)

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 2996th meeting on 28 June 1991, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council have learnt with grave concern of an incident which occurred today when the Iraqi military authorities denied a joint IAEA/Special Commission Nuclear Inspection Team immediate and unimpeded access to a site designated for inspection by the Special Commission under paragraphs 9 and 13 of Security Council resolution 687 (1991). In the course of this incident, the Iraqi military did not comply with a request by the Acting Chief Inspector that there should be no movement of transport or equipment pending inspection. The Iraqi military fired small arms into the air when members of the Team were endeavouring to photograph loaded vehicles leaving the site. This incident followed earlier incidents on 23 and 25 June 1991 when the Iraqi military authorities denied the Nuclear Inspection Team access to certain facilities at another designated site.

On 26 June 1991, the Security Council held a meeting to consider the incidents of 23 and 25 June at which time the Permanent Representative of Iraq confirmed that Iraq had accepted Security Council resolution 687 (1991) and was doing its best to implement all the requirements and obligations imposed on it by the resolution. He further asserted that Iraq was cooperating with all United Nations missions, including the Special Commission. The President subsequently conveyed the Council's serious concern regarding the incidents to the Government of Iraq.

The members of the Council strongly deplore the incidents of 23, 25 and 28 June, and in this connection condemn the conduct of the Iraqi authorities. All these incidents constitute flagrant violations of Security Council resolution 687 (1991) and of the undertakings contained in the exchange of letters between the Secretary-General of the United Nations and the Foreign Minister of Iraq governing the status, privileges and immunities of the Special Commission and of the Inspection Teams mandated under the Security Council resolution. Furthermore, these incidents demonstrate Iraq's failure to abide by its solemn undertakings to comply with all the provisions of Security Council resolution 687 (1991).

The members of the Security Council have decided to ask the Secretary-General to send a high-level mission to Baghdad immediately to meet with the highest levels of the Iraqi Government to convey the Council's urgent demand for unequivocal assurances that the Government will take all necessary measures to ensure that no hindrances are placed in the way of the discharge of the Special Commission's mandate and that it will accord full cooperation, including immediate and unimpeded access, to the inspection teams in compliance with Iraq's obligations and commitments *vis-à-vis* the United Nations and the IAEA. The members of the Council have also stressed that the Government must furnish the high-level mission with unconditional guarantees for the safety and security of all personnel engaged in the performance of functions in connection with Security Council resolution 687 (1991). The mission, composed of the Director-General of the International Atomic Energy Agency (IAEA), the Executive Chairman of the Special Commission and the Under-Secretary-General for Disar-

rnament Affairs, will depart New York this evening, 28 June 1991.

At this time, the members of the Council call upon Iraq to grant the IAEA/Special Commission Nuclear Inspection Team currently in Iraq immediate and unimpeded access to the objects which the Team had endeavoured to inspect on 28 June 1991 and any other site deemed necessary.

The members of the Security Council request the high-level mission to report to it at the earliest opportunity, through the Secretary-General, on the results of its meetings with the highest levels of the Iraqi Government and, in particular, on such further undertakings by the Government to ensure compliance at all levels, including local military and civilian authorities, with Iraq's obligations under Security Council resolution 687 (1991).

The members of the Council wish to make it clear that the Council remains seized of this matter and that any recurrence of non-compliance would have serious consequences.

The members of the Council reiterate their views expressed in resolution 687 (1991) of the threat that all weapons of mass destruction pose to peace and security in the Middle East and of the need to work towards the establishment in the Middle East of a zone free of such weapons.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
5 August 1991 (S/22904)

Letter dated 6 August 1991 from the President of the Security Council addressed to the Secretary-General

I should be grateful if you would kindly arrange to circulate as a document of the Security Council the text of the following statement which I, in my capacity as President of the Council, made to the press on 5 August 1991, following the informal consultations held that same day:

The members of the Security Council held informal consultations on 5 August pursuant to paragraph 28 of resolution 687 (1991), paragraph 6 of resolution 700 (1991) and paragraph 21 of resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraphs 22, 23, 24 and 25, as referred to in paragraph 28 of resolution 687 (1991); in paragraph 6 of resolution 700 (1991); and in paragraph 20, as referred to in paragraph 21 of resolution 687 (1991).

RESOLUTION 705 (1991)
15 August 1991

Adopted by unanimous vote.

Prepared in the course of the Council's consultations.

The Security Council,

Having considered the note of 30 May 1991 of the Secretary-General pursuant to paragraph 13 of his report of 2 May 1991 (S/22559) which was annexed to the Secretary-General's letter of 30 May 1991 to the President of the Security Council (S/22661),

Acting under Chapter VII of the Charter,

1. Expresses its appreciation to the Secretary-General for his note of 30 May 1991 which was annexed to his letter to the President of the Security Council of the same date (S/22661);

2. Decides that in accordance with the suggestion made by the Secretary-General in paragraph 7 of his note of 30 May 1991, compensation to be paid by Iraq (as arising from section E of resolution 687) shall not exceed 30 per cent of the annual value of the exports of petroleum and petroleum products from Iraq;

3. Decides further, in accordance with paragraph 8 of the Secretary-General's note of 30 May 1991, to review the figure established in paragraph 2 above from time to time in light of data

and assumptions contained in the letter of the Secretary-General (S/22661) and other relevant developments.

RESOLUTION 706 (1991)
15 August 1991

Adopted by a vote of 13 in favour, 1 against (Cuba) and 1 abstention (Yemen).

Sponsors: Belgium, France, Soviet Union, United Kingdom, United States.

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 661 (1990), 686 (1991), 687 (1991), 688 (1991), 692 (1991), 699 (1991) and 705 (1991),

Taking note of the report (S/22799) dated 15 July 1991 of the inter-agency mission headed by the executive delegate of the Secretary-General for the United Nations inter-agency humanitarian programme for Iraq, Kuwait and the Iraq/Turkey and Iraq/Iran border areas,

Concerned by the serious nutritional and health situation of the Iraqi civilian population as described in this report, and by the risk of a further deterioration of this situation,

Concerned also that the repatriation or return of all Kuwaitis and third country nationals or their remains present in Iraq on or after 2 August 1990, pursuant to paragraph 2 (c) of resolution 686 (1991), and paragraphs 30 and 31 of resolution 687 (1991) has not yet been fully carried out,

Taking note of the conclusions of the above-mentioned report, and in particular of the proposal for oil sales by Iraq to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs for the purpose of providing humanitarian relief,

Taking note also of the letters dated 14 April 1991, 31 May 1991, 6 June 1991, 9 July 1991 and 22 July 1991 from the Minister of Foreign Affairs of Iraq and the Permanent Representative of Iraq to the Chairman of the Committee established by resolution 661 (1990) concerning the export from Iraq of petroleum and petroleum products,

Convinced of the need for equitable distribution of humanitarian relief to all segments of the Iraqi civilian population through effective monitoring and transparency,

Recalling and reaffirming in this regard its resolution 688 (1991) and in particular the importance which the Council attaches to Iraq allowing unhindered access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and making available all necessary facilities for their operation, and in this connection stressing the important and continuing role played by the Memorandum of Understanding between the United Nations and the Government of Iraq of 18 April 1991 (S/22663),

Recalling that, pursuant to resolutions 687 (1991), 692 (1991) and 699 (1991), Iraq is required to pay the full costs of the Special Commission and the IAEA in carrying out the tasks authorized by section C of resolution 687 (1991), and that the Secretary-General in his report to the Security Council of 15 July 1991 (S/22792), submitted pursuant to paragraph 4 of resolution 699 (1991), expressed the view that the most obvious way of obtaining financial resources from Iraq to meet the costs of the Special Commission and the IAEA would be to authorize the sale of some Iraqi petroleum and petroleum products; ***recalling further*** that Iraq is required to pay its contributions to the Compensation Fund and half the costs of the Iraq-Kuwait Boundary Demarcation Commission, and ***recalling further*** that in its resolutions 686 (1991) and 687 (1991) the Security Council demanded that Iraq return in the shortest possible time all Kuwaiti property seized by it and requested the Secretary-General to take steps to facilitate this,

Acting under Chapter VII of the Charter,

1. Authorizes all States, subject to the decision to be taken by the Security Council pursuant to paragraph 5 below and notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990), to permit the import, during a period of 6 months from the date of passage of the resolution pursuant to paragraph 5 below, of petroleum and petroleum products originating in Iraq sufficient to produce a sum to be determined by the Council following receipt of the report of the Secretary-General requested in paragraph 5 of this resolution but not to exceed 1.6 billion United States dollars for the purposes set out in this resolution and subject to the following conditions:

(a) Approval of each purchase of Iraqi petroleum and petroleum products by the Security Council Committee established by resolution 661 (1990) following notification to the Committee by the State concerned;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into an escrow account to be established by the United Nations and to be administered by the Secretary-General, exclusively to meet the purposes of this resolution;

(c) Approval by the Council, following the report of the Secretary-General requested in paragraph 5 of this resolution, of a scheme for the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs as referred to in paragraph 20 of resolution 687 (1991), in particular health related materials, all of which to be labelled to the extent possible as being supplied under this scheme, and for all feasible and appropriate United Nations monitoring and supervision for the purpose of assuring their equitable distribution to meet humanitarian needs in all regions of Iraq and to all categories of the Iraqi civilian population, as well as all feasible and appropriate management relevant to this purpose, such a United Nations role to be available if desired for humanitarian assistance from other sources;

(d) The sum authorized in this paragraph to be released by successive decisions of the Committee established by resolution 661 (1990) in three equal portions after the Council has taken the decision provided for in paragraph 5 below on the implementation of this resolution, and notwithstanding any other provision of this paragraph, the sum to be subject to review concurrently by the Council on the basis of its ongoing assessment of the needs and requirements;

2. Decides that a part of the sum in the account to be established by the Secretary-General shall be made available by him to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687, and the cost to the United Nations of its roles under this resolution and of other necessary humanitarian activities in Iraq;

3. Decides further that a part of the sum in the account to be established by the Secretary-General shall be used by him for appropriate payments to the United Nations Compensation Fund, the full costs of carrying out the tasks authorized by Section C of resolution 687 (1991), the full costs incurred by the United Nations in facilitating the return of all Kuwaiti property seized by Iraq, and half the costs of the Boundary Commission;

4. Decides that the percentage of the value of exports of petroleum and petroleum products from Iraq, authorized under this resolution to be paid to the United Nations Compensation Fund, as called for in paragraph 19 of resolution 687 (1991), and as defined in paragraph 6 of resolution 692 (1991), shall be the same as the percentage decided by the Security Council in paragraph 2 of resolution 705 (1991) for payments to the Compensation Fund, until such time as the Governing Council of the Fund decides otherwise;

5. Requests the Secretary-General to submit within 20 days of the date of adoption of this resolution a report to the Security Council for decision on measures to be taken in order to implement paragraphs 1 (a), (b) and (c), estimates of the humanitarian re-

quirements of Iraq set out in paragraph 2 above and of the amount of Iraq's financial obligations set out in paragraph 3 above up to the end of the period of the authorization in paragraph 1 above, as well as the method for taking the necessary legal measures to ensure that the purposes of this resolution are carried out and the method for taking account of the costs of transportation of such Iraqi petroleum and petroleum products;

6. *Further requests* the Secretary-General in consultation with the International Committee of the Red Cross to submit within 20 days of the date of adoption of this resolution a report to the Security Council on activities undertaken in accordance with paragraph 31 of resolution 687 (1991) in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990;

7. *Requires* the Government of Iraq to provide to the Secretary-General and appropriate international organizations on the first day of the month immediately following the adoption of the present resolution and on the first day of each month thereafter until further notice, a statement of the gold and foreign currency reserves it holds whether in Iraq or elsewhere;

8. *Calls upon* all States to cooperate fully in the implementation of this resolution;

9. *Decides* to remain seized of the matter.

RESOLUTION 707 (1991)
15 August 1991

Adopted by unanimous vote.

Sponsors: France, Soviet Union, United Kingdom, United States.

The Security Council,

Recalling its resolution 687 (1991), and its other resolutions on this matter,

Recalling the letter of 11 April 1991 from the President of the Security Council to the Permanent Representative of Iraq to the United Nations (S/22485) noting that on the basis of Iraq's written agreement (S/22456) to implement fully resolution 687 (1991) the preconditions established in paragraph 33 of that resolution for a cease-fire had been met,

Noting with grave concern the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General, conveying information obtained from the Executive Chairman of the Special Commission and the Director-General of the IAEA which establishes Iraq's failure to comply with its obligations under resolution 687 (1991),

Recalling further the statement issued by the President of the Security Council on 28 June 1991 (S/22746) requesting that a high-level mission consisting of the Chairman of the Special Commission, the Director-General of the IAEA, and the Under-Secretary-General for Disarmament Affairs be dispatched to meet with officials at the highest levels of the Government of Iraq at the earliest opportunity to obtain written assurance that Iraq will fully and immediately cooperate in the inspection of the locations identified by the Special Commission and present for immediate inspection any of those items that may have been transported from those locations,

Dismayed by the report of the high-level mission to the Secretary-General (S/22761) on the results of its meetings with the highest levels of the Iraqi Government,

Gravely concerned by the information provided to the Council by the Special Commission and the IAEA on 15 July 1991 (S/22788) and 25 July 1991 (S/22837) regarding the actions of the Government of Iraq in flagrant violation of resolution 687 (1991),

Gravely concerned also by the evidence in the letter of 7 July 1991 from the Minister of Foreign Affairs of Iraq to the Secretary-General and in subsequent statements and findings that Iraq's notifications of 18 and 28 April were incomplete and that it had concealed activities, which both consti-

tuted material breaches of its obligations under resolution 687 (1991),

Noting also from the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General that Iraq has not fully complied with all of its undertakings relating to the privileges, immunities and facilities to be accorded to the Special Commission and the IAEA inspection teams mandated under resolution 687 (1991),

Affirming that in order for the Special Commission to carry out its mandate under paragraph 9 (b) (i), (ii) and (iii) of resolution 687 (1991) to inspect Iraq's chemical and biological weapons and ballistic missile capabilities and to take possession of them for destruction, removal or rendering harmless, full disclosure on the part of Iraq as required in paragraph 9 (a) of resolution 687 (1991) is essential,

Affirming that in order for the IAEA, with the assistance and cooperation of the Special Commission, to determine what nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to them need, in accordance with paragraph 13 of resolution 687 (1991), to be destroyed, removed or rendered harmless, Iraq is required to make a declaration of all its nuclear programmes including any which it claims are for purposes not related to nuclear-weapons-usable material,

Affirming that the aforementioned failures of Iraq to act in strict conformity with its obligations under resolution 687 (1991) constitutes a material breach of its acceptance of the relevant provisions of resolution 687 (1991) which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region,

Affirming further that Iraq's failure to comply with its safeguards agreement with the International Atomic Energy Agency, concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, as established by the resolution of the Board of Governors of the IAEA of 18 July 1991 (GOV/2532), constitutes a breach of its international obligations,

Determined to ensure full compliance with resolution 687 (1991) and in particular its section C,

Acting under Chapter VII of the Charter,

1. Condemns Iraq's serious violation of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to cooperate with the Special Commission and the IAEA, which constitutes a material breach of the relevant provisions of resolution 687 which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region;

2. Further condemns non-compliance by the Government of Iraq with its obligations under its safeguards agreement with the International Atomic Energy Agency, as established by the resolution of the Board of Governors of 18 July, which constitutes a violation of its commitments as a party to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

3. Demands that Iraq

(i) provide full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 km, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material, without further delay;

(ii) allow the Special Commission, the IAEA and their Inspection Teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect;

(iii) cease immediately any attempt to conceal, or any movement or destruction of any material or

equipment relating to its nuclear, chemical or biological weapons or ballistic missile programmes, or material or equipment relating to its other nuclear activities without notification to and prior consent of the Special Commission;

(iv) make available immediately to the Special Commission, the IAEA and their Inspection Teams any items to which they were previously denied access;

(v) allow the Special Commission, the IAEA and their Inspection Teams to conduct both fixed wing and helicopter flights throughout Iraq for all relevant purposes including inspection, surveillance, aerial surveys, transportation and logistics without interference of any kind and upon such terms and conditions as may be determined by the Special Commission, and to make full use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission;

(vi) halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes until the Security Council determines that Iraq is in full compliance with this resolution and paragraphs 12 and 13 of resolution 687 (1991), and the IAEA determines that Iraq is in full compliance with its safeguards agreement with that Agency;

(vii) ensure the complete implementation of the privileges, immunities and facilities of the representatives of the Special Commission and the IAEA in accordance with its previous undertakings and their complete safety and freedom of movement;

(viii) immediately provide or facilitate the provision of any transportation, medical or logistical support requested by the Special Commission, the IAEA and their Inspection Teams;

(ix) respond fully, completely and promptly to any questions or requests from the Special Commission, the IAEA and their Inspection Teams;

4. Determines that Iraq retains no ownership interest in items to be destroyed, removed or rendered harmless pursuant to paragraph 12 of resolution 687 (1991);

5. Requires that the Government of Iraq forthwith comply fully and without delay with all its international obligations, including those set out in the present resolution, in resolution 687 (1991), in the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 and its safeguards agreement with the IAEA;

6. Decides to remain seized of this matter.

RESOLUTION 712 (1991)
19 September 1991

Adopted by a vote of 13 in favour, 1 against (Cuba) and 1 abstention (Yemen).

Sponsors: Belgium, France, Romania, Soviet Union, United Kingdom, United States.

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 661 (1990) of 6 August 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 692 (1991) of 20 May 1991, 699 (1991) of 17 June 1991, and 705 (1991) and 706 (1991) of 15 August 1991,

Expressing its appreciation for the report dated 4 September 1991 submitted by the Secretary-General pursuant to paragraph 5 of resolution 706 (1991),

Reaffirming its concern about the nutritional and health situation of the Iraqi civilian population and the risk of a further deterioration of this situation, and underlining the need in this context for fully up-to-date assessments of the situation in all parts of Iraq as a basis for the equitable distribution of humanitarian relief to all segments of the Iraqi civilian population,

Recalling that the activities to be carried out by or on behalf of the Secretary-General to meet the purposes referred to in resolution 706 (1991) and the present resolution enjoy the privileges and immunities of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

1. *Confirms* the figure mentioned in paragraph 1 of resolution 706 (1991) as the sum authorized for the purpose of that paragraph, and reaffirms its intention to review this sum on the basis of its ongoing assessment of the needs and requirements, in accordance with paragraph 1 (d) of resolution 706 (1991);

2. *Invites* the Security Council Committee established by resolution 661 (1990) to authorize immediately, pursuant to paragraph 1 (d) of resolution 706 (1991), the release by the Secretary-General from the escrow account of the first one-third portion of the sum referred to in paragraph 1 above, such release to take place as required subject to the availability of funds in the account and, in the case of payments, to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs that have been notified or approved in accordance with existing procedures, subject to compliance with the procedures laid down in the report of the Secretary-General as approved in paragraph 3 below;

3. *Approves* the recommendations in the Secretary-General's report as contained in its paragraphs 57 (d) and 58;

4. *Encourages* the Secretary-General and the Security Council Committee established by resolution 661 (1990) to cooperate, in close consultation with the Government of Iraq, on a continuing basis to ensure the most effective implementation of the scheme approved in the present resolution;

5. *Decides* that petroleum and petroleum products subject to resolution 706 (1991) shall while under Iraqi title be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and to ensure that the proceeds of sale are not diverted from the purposes laid down in resolution 706 (1991);

6. *Reaffirms* that the escrow account to be established by the United Nations and administered by the Secretary-General to meet the purposes of resolution 706 (1991) and the present resolution, like the Compensation Fund established by resolution 692 (1991), enjoys the privileges and immunities of the United Nations;

7. *Reaffirms* that the inspectors and other experts on mission for the United Nations, appointed for the purpose of the present resolution, enjoy privileges and immunities in accordance with the Convention on the Privileges and Immunities of the United Nations, and demands that Iraq allow them full freedom of movement and all necessary facilities;

8. *Confirms* that funds contributed from other sources may if desired, in accordance with paragraph 1 (c) of resolution 706 (1991), be deposited into the escrow account as a sub-account and be immediately available to meet Iraq's humanitarian needs as referred to in paragraph 20 of resolution 687 (1991) without any of the obligatory deductions and administrative costs specified in paragraphs 2 and 3 of resolution 706 (1991);

9. *Urges* that any provision to Iraq of foodstuffs, medicines or other items of a humanitarian character, in addition to those purchased with the funds referred to in paragraph 1 of the present resolution, be undertaken through arrangements that assure their equitable distribution to meet humanitarian needs;

10. *Requests* the Secretary-General to take the actions necessary to implement the above decisions, and authorizes him to enter into any arrangements or agreements necessary to accomplish this;

11. Calls upon States to cooperate fully in the implementation of resolution 706 (1991) and the present resolution, in particular with respect to any measures regarding the import of petroleum and petroleum products and the export of foodstuffs, medicines and materials and supplies for essential civilian needs as referred to in paragraph 20 of resolution 687 (1991), and also with respect to the privileges and immunities of the United Nations and its personnel implementing the present resolution, and to ensure that there are no diversions from the purposes laid down in these resolutions;

12. Decides to remain seized of the matter.

STATEMENT TO THE PRESS BY THE PRESIDENT OF THE COUNCIL 23 September 1991

The following statement was issued to the press by the President of the Security Council, following Council consultations held today, Monday, 23 September:

First, I have just informed the Security Council of the answer given to me yesterday as President of the Council, by the Iraqi Government.

This answer does not meet the requirements set out by the Council. First of all, the Council has received an oral reply whereas it had specifically asked for a formal and written commitment by Iraq that it will implement unreservedly the provisions of resolution 707 (1991). As far as the substance is concerned, the Iraqi Government sticks to the conditions linked to its acceptance of the Security Council resolutions. I must point out that in its answer, the Iraqi Government never referred to resolution 707 but just mentioned resolution 687 (1991).

The members of the Council unanimously thought that this reply falls short of the Council's demand and that I should immediately start bilateral consultations to see what further steps the Council might take.

Secondly, the Council has been informed by the Chairman of the Special Commission, Ambassador Rolf Ekeus, of a very serious incident which is currently taking place in Baghdad. The nuclear inspection team, which is now in Iraq, entered with short notice, early this morning in Baghdad, a building suspected to be a centre for records and documents related to Iraq's nuclear programme.

According to the report received by Ambassador Ekeus, the inspectors found in the building a substantial amount of documentation related to Iraq's nuclear activities, *inter alia* Iraq's fissile nuclear programme, and to nuclear weapons. Ambassador Ekeus told the Council that an early assessment by the inspectors indicates that Iraq was engaged in a nuclear weapons development programme.

The Iraqi liaison officer has on instruction from his authorities told the inspectors that they are not allowed to remove the documents and the records. The exit from the building is blocked. The Iraqi authorities have told the team that a decision on the team's request to leave the site with the documents will be given at 7.30 pm local time. I have been mandated by the members of the Security Council to get in touch immediately with the Iraqi Foreign Minister and to demand, on behalf of the Council, that the inspectors be given the possibility to leave the site with the documents as it is obliged by Security Council resolutions.

STATEMENT TO THE PRESS BY THE PRESIDENT OF THE COUNCIL 24 September 1991

Following consultations of the Council, the President of the Council issued the following statement on behalf of the members of the Council:

I have been mandated by the Council to make the four points that follow:

First, the Council gives its full support to the Special Commission and to the inspection team currently present in Iraq which fulfil with exceptional dedication the tasks set out in the relevant resolutions of the Security Council; the Council reiterates that the Special Commission, acting under the au-

thority of the Council, is the sole judge of the definition of the documents, sites or materials subject to inspection.

Secondly, the Council expresses its strong condemnation of the way the Iraqi authorities have repeatedly prevented the inspectors from carrying out their duty. In particular, the Council considers unacceptable the fact that the inspectors are currently denied the possibility to leave freely the premises that they have inspected this morning.

Thirdly, the Council demands that the inspection team be immediately allowed to leave the site where they are kept without any conditions and in particular that they can take with them all the documents they deem appropriate.

Fourthly, the Council asks me to call upon the Ambassador of Iraq to convey to him its serious concerns.

STATEMENT TO THE PRESS BY THE PRESIDENT OF THE COUNCIL
24 September 1991

Following consultations of the Security Council, the President of the Council issued the following statement:

The Iraqi Government has sent a letter to the Council on the use by the Special Commission of its own helicopters. I have been instructed to send to the Ambassador of Iraq a letter taking note of the answer that the Council considers as an unconditional acceptance of resolution 707 (1991).

Technical modalities would be set up in the coming days by the Special Commission.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
2 October 1991 (S/23107)

After the consultations held on 2 October 1991, the President of the Security Council made the following statement to the media on behalf of the members in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 2 October 1991 pursuant to paragraph 21 of resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regime established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

RESOLUTION 715 (1991)
11 October 1991

Adopted by unanimous vote.

Sponsors: Belgium, France, Romania, Soviet Union, United Kingdom, United States.

The Security Council,

Recalling its resolutions 687 (1991) of 3 April 1991 and 707 (1991) of 15 August 1991, and its other resolutions on this matter,

Recalling in particular that under resolution 687 (1991) the Secretary-General and the Director General of the International Atomic Energy Agency were requested to develop plans for future ongoing monitoring and verification, and to submit them to the Security Council for approval,

Taking note of the report and note of the Secretary-General, transmitting the plans submitted by the Secretary-General and the Director General of the International Atomic Energy Agency,

Acting under Chapter VII of the Charter of the United Nations,

1. Approves, in accordance with the provisions of resolutions 687 (1991), 707 (1991) and the present resolution, the plans submitted by the Secretary-General and the Director General of the International Atomic Energy Agency;

2. Decides that the Special Commission shall carry out the plan submitted by the Secretary-General, as

well as continuing to discharge its other responsibilities under resolutions 687 (1991), 699 (1991) and 707 (1991) and performing such other functions as are conferred upon it under the present resolution;

3. *Requests* the Director General of the International Atomic Energy Agency to carry out, with the assistance and cooperation of the Special Commission, the plan submitted by him and to continue to discharge his other responsibilities under resolutions 687 (1991), 699 (1991) and 707 (1991);

4. *Decides* that the Special Commission, in the exercise of its responsibilities as a subsidiary organ of the Security Council, shall:

(a) Continue to have the responsibility for designating additional locations for inspection and overflights;

(b) Continue to render assistance and cooperation to the Director General of the International Atomic Energy Agency, by providing him by mutual agreement with the necessary special expertise and logistical, informational and other operational support for the carrying out of the plan submitted by him;

(c) Perform such other functions, in cooperation in the nuclear field with the Director General of the International Atomic Energy Agency, as may be necessary to coordinate activities under the plans approved by the present resolution, including making use of commonly available services and information to the fullest extent possible, in order to achieve maximum efficiency and optimum use of resources;

5. *Demands* that Iraq meet unconditionally all its obligations under the plans approved by the present resolution and cooperate fully with the Special Commission and the Director General of the International Atomic Energy Agency in carrying out the plans;

6. *Decides* to encourage the maximum assistance, in cash and in kind, from all Member States to support the Special Commission and the Director General of the International Atomic Energy Agency in carrying out their activities under the plans approved by the present resolution, without prejudice to Iraq's liability for the full costs of such activities;

7. *Requests* the Committee established under resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency to develop in cooperation a mechanism for monitoring any future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other relevant resolutions, including the present resolution and the plans approved hereunder;

8. *Requests* the Secretary-General and the Director General of the International Atomic Energy Agency to submit to the Security Council reports on the implementation of the plans approved by the present resolution, when requested by the Security Council and in any event at least every six months after the adoption of this resolution;

9. *Decides* to remain seized of the matter.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
20 December 1991 (S/23305)

After the consultations held on 20 December 1991, the President of the Security Council made the following statement to the media on behalf of the members in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 6 December 1991 pursuant to paragraph 28 of resolution 687 (1991), paragraph 6 of resolution 700 (1991) and paragraph 21 of resolution 687 (1991). After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraphs 22, 23, 24 and 25, as referred to in paragraph 28 of resolution 687 (1991), in paragraph 6 of resolution 700 (1991),

and in paragraph 20, as referred to in paragraph 21 of resolution 687 (1991).

However, with a view to alleviating the humanitarian conditions for the civilian population in Iraq and in order to facilitate the utilization of paragraph 20 of resolution 687 (1991), the 661 Committee is requested to study immediately those materials and supplies for essential civilian and humanitarian needs as identified in the Ahtisaari report (S/22366) with the purpose of drawing up a list of items which may, with the approval of the Security Council, be transferred from the 'no-objection' procedure to a simple notification procedure. Members of the Council may submit proposals of items for this purpose.

With regard to imports of items subject to prior approval under the "no-objection" procedure by the Security Council Committee established by resolution 661 (1990) (i.e. items other than food and medicine), any member of the Committee putting forward an objection to such an import will offer a specific explanation at a meeting of the Committee.

The members of the Council are aware of reports received concerning the approximately 2,000 Kuwaitis believed to be still detained in Iraq, access by the ICRC to all detainees and places of detention, the return of Kuwaiti property, and particularly the return of Kuwaiti military equipment and their bearing upon the present state of Iraqi compliance with resolution 687 (1991).

In light of the above, the Security Council will request the Secretary-General to prepare a factual report on Iraq's compliance with all the obligations placed upon it by resolution 687 (1991) and subsequent relevant resolutions. This report will be made available to the Security Council in good time before the Council undertakes its next review under paragraph 21 of resolution 687 (1991).

In the course of consultations it was noted that resolutions 706 (1991) and 712 (1991) gave to Iraq the possibility for oil sales to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs for the purpose of providing humanitarian relief. However, this possibility has not yet been used.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
5 February 1992 (S/23517)

On 5 February 1992, the President of the Security Council issued the following statement to the media on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 28 January and 5 February 1992 pursuant to paragraph 21 of resolution 687 (1991). The members of the Council express their thanks to the Secretary-General for his factual report on Iraq's compliance with all the obligations placed upon it by resolution 687 (1991) and subsequent relevant resolutions (S/23514).

After taking note of the Secretary-General's report and hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regime established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

In the context of compliance, the Council members note with concern the recent incident at Baghdad, which demonstrates a lack of Iraqi cooperation in complying with the resolutions of the Council.

In connection with the Secretary-General's factual report on Iraq's compliance with all the obligations placed upon it by resolution 687 (1991) and subsequent relevant resolutions, the members of the Security Council note that while much progress has been made, much remains to be done. There is serious evidence of Iraqi non-compliance over its programmes for weapons of mass destruction and the repatriation of Kuwaitis and other third-country nationals detained in Iraq. There is still much Kuwaiti property to be returned. The members of the Coun-

cil are disturbed by the lack of Iraqi cooperation. Iraq must implement fully resolution 687 (1991) and subsequent relevant resolutions as was stated in the statement read out by the President of the Council on behalf of its members in the meeting held on 31 January 1992 with the participation of the heads of State and Government (S/23500).

The members of the Security Council note that with a view to alleviating the humanitarian conditions of the civilian population of Iraq and facilitating the utilization of paragraph 20 of resolution 687 (1991), the Security Council Committee established by resolution 661 (1990) had been requested to prepare a study of those materials and supplies for essential civilian and humanitarian needs, other than medicines which have not been subject to sanctions and food shipments which have been permitted to move freely, that might be transferred from the "no objection" procedure to a simple notification procedure. The members of the Council also note the report of the Chairman of the Committee in this regard. They express their appreciation for the efforts the Chairman has made to reach a conclusion and encourage him to continue his consultations with the members of the Committee on the study and to report to the Council at an early date.

The members of the Council strongly deplore that the Iraqi authorities have decided and communicated that decision to the Secretariat to discontinue contacts with the Secretariat regarding implementation of resolutions 706 (1991) and 712 (1991), which give to Iraq the possibility for oil sales to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs for the purpose of providing humanitarian relief. They underscore that the Government of Iraq, by acting in this way, is forgoing the possibility of meeting the essential needs of its civilian population and therefore bears the full responsibility for their humanitarian problems. They hope that a resumption of these contacts may lead to the early implementation of the scheme set out in those resolutions to enable humanitarian supplies to reach the Iraqi people.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
19 February 1992 (S/23609)

After the consultations held on 19 February 1992, the President of the Security Council issued the following statement on behalf of the members in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council express their gratitude to the Secretary-General for the report submitted to the Security Council on 18 February 1992 (S/23606).

The members of the Security Council note that while progress has been made, much still remains to be done to implement the relevant resolutions of the Council. The members of the Council are gravely concerned by Iraq's continued failure to acknowledge all its obligations under Council resolutions 707 (1991) and 715 (1991), and its continued rejection of the plans of the Secretary-General and of the Director General of the International Atomic Energy Agency (S/22871/Rev.1 and S/22872/Rev.1 and Corr.1 as approved by resolution 715 (1991)) for ongoing monitoring and verification of Iraq's compliance with its obligations under paragraphs 10, 12 and 13 of resolution 687 (1991).

Ongoing monitoring and verification of Iraq's obligations is an integral part of Security Council resolution 687 (1991), which established a ceasefire and provided the conditions essential to the restoration of peace and security in the region. Such ongoing monitoring and verification is a step of the utmost importance towards the goal set out in paragraph 14 of that resolution.

Iraq's failure to acknowledge its obligations under resolutions 707 (1991) and 715 (1991), its rejection up until now of the two plans for ongoing monitoring and verification and its failure to provide the full, final and complete disclosure of its weapons capabilities constitute a continuing mate-

rial breach of the relevant provisions of resolution 687 (1991). Unconditional agreement by Iraq to implement these obligations is one of the essential preconditions to any reconsideration by the Council under paragraphs 21 and 22 of resolution 687 (1991) of the prohibitions referred to in those paragraphs.

The members of the Council support the decision of the Secretary-General to dispatch a special mission headed by the Executive Chairman of the Special Commission to visit Iraq immediately to meet and discuss with the highest levels of the Iraqi Government for the purpose of securing the unconditional agreement by Iraq to implement all its relevant obligations under resolutions 687 (1991), 707 (1991) and 715 (1991). The mission should stress the serious consequences if such agreement to implement is not forthcoming. The Secretary-General is requested to report on the results of the special mission to the Security Council upon its return.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
28 February 1992 (S/23663)

Following consultations among members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3058th meeting, on 28 February 1992, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council express their gratitude to the Secretary-General for the report submitted to the Council on 27 February 1992 (S/23643), transmitting the results of the special mission dispatched to Iraq by the Secretary-General pursuant to the statement of the President of the Council of 19 February 1992 (S/23609). The members of the Council approve in full the conclusions of the special mission as contained in the report and in particular its finding that Iraq is not prepared to give its unconditional agreement to implement all of its obligations under resolutions 687 (1991), 707 (1991) and 715 (1991).

The members of the Council deplore and condemn the failure of the Government of Iraq to provide the special mission with full, final and complete disclosure, as required by resolution 707 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres, including launchers, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes; and the failure of Iraq to comply with the plans for ongoing monitoring and verification (S/22871/Rev.1 and S/22872/Rev.1 and Corr.1) approved by resolution 715 (1991). In the statement made on 19 February 1992 (S/23609) prior to the dispatch of the special mission to Iraq the Council noted that Iraq's behaviour constituted a material breach of resolution 687 (1991). Regrettably this continues to be the case.

Furthermore, the members of the Council equally deplore and condemn Iraq's failure, within the time prescribed by the Special Commission at the request of Iraq, to commence destruction of ballistic missile-related equipment designated for destruction by the Special Commission. The members of the Council reaffirm that it is for the Special Commission alone to determine which items must be destroyed under paragraph 9 of resolution 687 (1991). Therefore, the Government of Iraq's letter of 28 February 1992 to the Executive Chairman of the Special Commission is unacceptable. Iraq's refusal to implement the determinations of the Special Commission constitutes a further material breach of the relevant provisions of resolution 687 (1991).

The members of the Council demand that Iraq immediately implement all its obligations under Council resolution 687 (1991) and subsequent resolutions on Iraq. The members of the Council require the Government of Iraq to communicate directly to the Council without further delay an authoritative and unconditional acknowledgement of its agreement to accept and implement the above noted obligations, including specifically to comply with the determination of the Special Commission

requiring the destruction of ballistic missile-related equipment. The members of the Council emphasize that Iraq must be aware of the serious consequences of continued material breaches of resolution 687 (1991).

The members of the Council note that an Iraqi delegation is prepared to come to New York as soon as it is invited to do so. The members of the Council have asked its President to extend such an invitation to the delegation to come to New York without further delay. The members of the Council intend in any event to continue their consideration of this question no later than the week beginning 9 March 1992.

STATEMENT BY THE PRESIDENT OF THE COUNCIL 11 March 1992 (S/23699)

Following consultations among members of the Security Council, the President of the Council made the following introductory statement, on behalf of the Council, at its 3059th meeting, on 11 March 1992, in connection with the Council's consideration of the item entitled:

(a) The situation between Iraq and Kuwait

(b) Letter dated 2 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/22435)

Letter dated 4 April 1991 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/22442)

Letter dated 5 March 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council (S/23685).

I. General obligation

1. The resolutions concerning the situation between Iraq and Kuwait impose a number of general and specific obligations upon Iraq.

2. As regards the general obligation, Iraq is required, under paragraph 33 of Security Council resolution 687 (1991), to give official notification to the Secretary-General and to the Security Council of its acceptance of the provisions of that entire resolution.

3. Iraq signified its unconditional acceptance in letters dated 6 and 10 April 1991 (S/22456 and S/22480, respectively) and 23 January 1992 (S/23472).

4. When the Security Council met at the level of Heads of State and Government on 31 January 1992 the concluding statement made by the President of the Council, on behalf of its members (S/23500), contained the following passage:

"Last year, under the authority of the United Nations, the international community succeeded in enabling Kuwait to regain its sovereignty and territorial integrity, which it had lost as a result of Iraqi aggression. The resolutions adopted by the Security Council remain essential to the restoration of peace and stability in the region and must be fully implemented. At the same time the members of the Council are concerned by the humanitarian situation of the innocent civilian population of Iraq."

5. On 5 February 1992, the President of the Security Council issued a statement on behalf of its members (S/23517) in which he stated, among other things:

"In connection with the Secretary-General's factual report (S/23514) on Iraq's compliance with all the obligations placed upon it by resolution 687 (1991) and subsequent relevant resolutions, the members of the Security Council note that while much progress has been made, much remains to be done. ... The members of the Council are disturbed by the lack of Iraqi cooperation. Iraq must implement fully resolution 687 (1991) and subsequent relevant resolutions as was stated in the statement read out by the President of the Council on behalf of its members in the meeting held on 31 January 1992 with the participation of the heads of State and Government (S/23500)."

6. In a statement made on behalf of the Council on 28 February 1992 (S/23663), the President said:

"The members of the Council demand that Iraq immediately implement all its obligations under Council resolution 687 (1991) and subsequent resolutions on Iraq. The members of the Council require the Government of Iraq to communicate directly to the Council without further delay an authoritative and unconditional acknowledgement of its agreement to accept and implement the above noted obligations, including specifically to comply with the determination of the Special Commission requiring the destruction of ballistic missile-related equipment. The members of the Council emphasize that Iraq must be aware of the serious consequences of continued material breaches of resolution 687 (1991)."

7. I must also draw attention to the further report of the Secretary-General on the status of compliance by Iraq with the obligations placed upon it (S/23687).

8. From the aforementioned statements by the President and in view of the reports of the Secretary-General, it will be seen that, despite Iraq's statements of unconditional acceptance of Security Council resolution 687 (1991), the Security Council has determined that Iraq is not in full compliance with all of its obligations.

II. Specific obligations

9. In addition to the general obligation to accept the provisions of resolution 687 (1991) in their entirety, several Security Council resolutions impose specific obligations upon Iraq.

(a) Respect for the inviolability of the international boundary

10. By paragraph 2 of resolution 687 (1991) the Security Council demands that Iraq respect the inviolability of the international boundary and the allocation of islands previously agreed upon between Iraq and Kuwait. Pursuant to paragraph 3 of that resolution, the Secretary-General established a Boundary Demarcation Commission to demarcate the boundary between Iraq and Kuwait. Paragraph 5 of the same resolution requires Iraq and Kuwait to respect a demilitarized zone (DMZ) established by the Security Council. The Council has been informed that Iraq has respected the DMZ and that it has fully participated in the work of the Boundary Demarcation Commission. It has also been informed that Iraq refuses to withdraw a number of police posts that are not in line with UNIKOM's principle that both sides should stay 1,000 metres from the boundary line shown on UNIKOM's map.

(b) Weapons-related obligations

11. Section C of resolution 687 (1991) imposes certain specific obligations upon Iraq with respect to its chemical and biological weapons programmes, its ballistic missile programmes with a range greater than 150 kilometres and its nuclear programmes. These obligations are elaborated upon in resolutions 707 (1991) and 715 (1991). The obligations are defined in paragraphs 8, 9, 10, 11, 12 and 13 of resolution 687 (1991) and they are elaborated upon in paragraphs 3 and 5 of resolution 707 (1991) and paragraph 5 of resolution 715 (1991).

12. The information relevant to Iraq's compliance with the obligations laid down in the paragraphs of the Security Council resolutions to which I have just referred is reproduced in annex I to the Secretary-General's report (S/23687).

13. By resolution 699 (1991), the Security Council decided that the Government of Iraq shall be liable for the full costs of carrying out the tasks authorized by section C of resolution 687 (1991). No funds have so far been received from Iraq to meet this liability.

14. The Council has noted that since the adoption of resolution 687 (1991) progress has been made in the implementation of section C of that resolution but that much remains to be done. There is serious non-compliance with the obligations concerning the programmes for weapons of mass destruction and ballistic missiles and the members of the Council

have found this to be a continuing material breach of resolution 687 (1991).

15. The Special Commission has informed the Council about the outstanding matters that would at the present time appear to be the most important. The Council's attention is invited again to annex I of the Secretary-General's report (S/23687) of 7 March 1992.

16. The Council has also noted the statement by the International Atomic Energy Agency (IAEA) contained in the Secretary-General's report of 25 January 1992 (S/23514, section C of the annex). The attention of the Council is drawn to information annexed to the further report of the Secretary-General (S/23687, annex II) of 7 March 1992, relative to the two last inspections by the IAEA, on Iraq's compliance with its obligations under United Nations Security Council resolutions as they relate to nuclear activities.

17. In a statement issued on behalf of the members of the Council (S/23609), the President stated on 19 February 1992 that:

"Iraq's failure to acknowledge its obligations under resolutions 707 (1991) and 715 (1991), its rejection up until now of the two plans for ongoing monitoring and verification and its failure to provide the full, final and complete disclosure of its weapons capabilities constitute a continuing material breach of the relevant provisions of resolution 687 (1991)."

18. In a further statement made on 28 February 1992 on behalf of the Council (S/23663), the President said:

"The members of the Council deplore and condemn the failure of the Government of Iraq to provide the Special Commission with full, final and complete disclosure, as required by resolution 707 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres, including launchers, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes; and the failure of Iraq to comply with the plans for ongoing monitoring and verification approved by resolution 715 (1991). ... Furthermore, the members of the Council equally deplore and condemn Iraq's failure, within the time prescribed by the Special Commission at the request of Iraq, to commence destruction of ballistic missile-related equipment designated for destruction by the Special Commission. The members of the Council reaffirm that it is for the Special Commission alone to determine which items must be destroyed under paragraph 9 of resolution 687 (1991)."

(c) Repatriation of and access to Kuwaiti and third-country nationals in Iraq

19. As regards Kuwaiti and third-country nationals in Iraq, Security Council resolutions 664 (1990), 666 (1990), 667 (1990), 674 (1990), 686 (1991) and 687 (1991) impose an obligation on Iraq to release, facilitate repatriation of, and arrange for immediate access to them, as well as the return of the remains of any deceased personnel of the forces of Kuwait and of the Member States cooperating with Kuwait pursuant to resolution 678 (1990). Furthermore, paragraph 30 of resolution 687 (1991) requires Iraq to extend all necessary cooperation to the International Committee of the Red Cross (ICRC) in facilitating the search for Kuwaiti and third-country nationals still unaccounted for.

20. The Security Council was informed by the ICRC in January 1992 that almost 7,000 persons have returned from Iraq to their countries since the beginning of March 1991. The ICRC also stated that despite all its efforts, there are still thousands of persons reported missing by the parties to the conflict.

21. A special commission composed of the representatives of France, Iraq, Kuwait, Saudi Arabia, the United Kingdom and the United States has met under the auspices of the ICRC, to try to reach an agreement on, among other things, the implementa-

tion of paragraph 30 of resolution 687 (1991). However, the ICRC has informed the Council that it has not yet received any information as to the whereabouts of the persons reported missing in Iraq. Nor has it received detailed and documented information on the search conducted by the Iraqi authorities. Finally, it is also still awaiting information on persons who have died while in custody.

22. The attention of the Council is drawn to section 4, paragraphs 12 to 14, of the Secretary-General's report contained in document S/23687 of 7 March 1992.

(d) Iraq's liability under international law

23. Another obligation concerns Iraq's liability under international law. In resolution 674 (1990), the Security Council reminds Iraq "that under international law it is liable for any loss, damage or injury arising in regard to Kuwait and third States and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq". Its liability under international law is reaffirmed in paragraph 2 (b) of resolution 686 (1991) and paragraph 16 of resolution 687 (1991). Resolution 687 (1991) further specifies that it "is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait".

24. By paragraph 18 of the same resolution, the Security Council created a Fund to pay compensation for claims that fall within paragraph 16, to be financed by a percentage of the value of the exports of petroleum and petroleum products from Iraq. In view of the existing economic sanctions against Iraq under resolution 661 (1990), Iraq was permitted by the Security Council under resolutions 706 (1991) and 712 (1991) to sell a limited quantity of oil, as an exception, a portion of the proceeds from which would be used to provide financial resources for the Fund. To date, it has not availed itself of this possibility. The Council notes that this authorization is due to lapse on 18 March 1992. The members of the Council are aware of a request by Iraq for a five-year moratorium on meeting its financial obligations, including payments into the Compensation Fund.

(e) Repayment and servicing of Iraq's foreign debt

25. With regard to another obligation, the Security Council, in paragraph 17 of resolution 687 (1991), demands that Iraq scrupulously adhere to all of its obligations concerning servicing and repayment of its foreign debt.

26. The attention of the Council is drawn to paragraphs 17 and 18 of the Secretary-General's report (S/23687) of 7 March 1992.

(f) Return of property

27. I now turn to the question of return of property. The Security Council, in paragraph 2 (d) of resolution 686 (1991), demands that Iraq immediately begin to return all Kuwaiti property seized by it, to be completed in the shortest possible period. The members of the Council have noted with satisfaction that, as stated in the further report of the Secretary-General, Iraqi officials involved with the return of property have extended maximum cooperation to the United Nations to facilitate the return.

(g) Monthly statements of gold and foreign currency reserves

28. Another obligation is set out by paragraph 7 of resolution 706 (1991), under which the Government of Iraq is required to provide to the Secretary-General and appropriate international organizations monthly statements of its gold and foreign currency reserves. To date, no such statements have been provided to the Secretary-General or to the IMF.

(h) Undertaking not to commit or support acts of international terrorism

29. By paragraph 32 of resolution 687 (1991), Iraq is required not to commit or support acts of international terrorism or allow any organization directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods, and practices of terrorism.

30. The Council notes Iraq's statements contained in letters dated 11 June 1991 (S/22687 and S/22689) and 23 January 1992 (S/23472) that it is a party to international conventions against terrorism and that it has never pursued a policy favourable to international terrorism as defined by international law.

(i) Security Council action with respect to the Iraqi civilian population

31. Resolutions 706 (1991) and 712 (1991) provide a means for Iraq to meet its obligations to supply its civilian population with needed humanitarian assistance, particularly food and medicine. To date, Iraq has refused to implement these resolutions. In fact after initiating discussions with Secretariat representatives on implementation, Iraq abruptly terminated the discussions.

III. Security Council resolution 688 (1991)

32. I should now like to refer to the demands by the Security Council with respect to the Iraqi civilian population. In paragraph 2 of resolution 688 (1991), the Security Council demands that Iraq, as a contribution to removing the threat to international peace and security in the region, end the repression of its civilian population. In paragraphs 3 and 7, the Security Council insists that it allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq, and demands its cooperation with the Secretary-General to these ends.

33. The Security Council remains deeply concerned at the grave human rights abuses that, despite the provisions of resolution 688 (1991), the Government of Iraq continues to perpetrate against its population, in particular in the northern region of Iraq, in southern Shi'a centres and in the southern marshes (Commission on Human Rights resolution 1992/71 of 5 March 1992). The Security Council notes that this situation is confirmed by the report of the Special Rapporteur of the Commission on Human Rights (E/CN.4/1992/31, also to be circulated in document S/23685) and by the comments of the Office of the Executive Delegate of the Secretary-General contained in the further report of the Secretary-General.

34. The members of the Council are particularly concerned at the reported restrictions on the supplies of essential commodities, in particular food and fuel, which have been imposed by the Government of Iraq on the three northern governorates of Dohuk, Erbil and Sulaimaniya. In this regard, as the Special Rapporteur has noted in his report, inasmuch as the repression of the population continues, the threat to international peace and security in the region mentioned in resolution 688 (1991) remains.

IV. Concluding observation

35. In view of the observations on the record of Iraq's performance, the Security Council has considered itself justified in concluding that Iraq has not fully complied with the obligations placed upon it by the Council. It is the Council's hope and expectation that this meeting will prove an invaluable opportunity to advance in the consideration of this issue as required in the interest of world peace and security, as well as that of the Iraqi people.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
12 March 1992 (S/23709)

Following consultations among members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3059th meeting (resumed), on 12 March 1992, in connection with the Council's consideration of the item entitled:

(a) The situation between Iraq and Kuwait

(b) Letter dated 2 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/22435)

Letter dated 4 April 1991 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/22442)

Letter dated 5 March 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council (S/23685).

In concluding the present stage of the consideration of the item on the agenda, I have been authorized, following consultations among members of the Security Council, to make the following statement on behalf of the Council:

The views of the Security Council having been expressed through its President and by the statements of its members on the extent of compliance by the Government of Iraq with its obligations under the relevant Security Council resolutions, the Security Council has listened with close attention to the statement by the Deputy Prime Minister of Iraq and his responses to the questions posed by Council members.

The members of the Security Council wish to reiterate their full support for the statement made by the President of the Council on their behalf at the opening of the 3059th meeting (S/23699).

In the view of the Security Council, the Government of Iraq has not yet complied fully and unconditionally with those obligations, must do so and must immediately take the appropriate actions in this regard. It hopes that the goodwill expressed by the Deputy Prime Minister of Iraq will be matched by deeds.'

STATEMENT BY THE PRESIDENT OF THE COUNCIL
19 March 1992 (S/23732)

Following consultations among members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3061st meeting, on 19 March 1992, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The Security Council welcomes the announcement of the Iraqi authorities that they will resume discussions with the United Nations Secretariat concerning implementation of the scheme of sales of Iraqi petroleum and petroleum products, as provided for in Security Council resolutions 706 (1991) and 712 (1991), and for the use of the proceeds of such sales in accordance with the Secretary-General's report of 4 September 1991 (S/23006) and the above-mentioned resolutions.

The Council also welcomes the Secretary-General's intention that these discussions be organized without delay.

The Council is prepared to authorize the regime for the sale of Iraqi petroleum and petroleum products on the above basis for a like period of time as that specified in these resolutions as soon as the Secretary-General indicates that the Iraqi authorities are prepared to proceed on a date certain with the export of petroleum and petroleum products in accordance with the scheme.

The members of the Council are prepared at an appropriate time to consider possible further extensions of time based upon Iraq's cooperation with the above and the Council's ongoing assessment of the needs and requirements in accordance with paragraph 1 (d) of Security Council resolution 706 (1991).

STATEMENT BY THE PRESIDENT OF THE COUNCIL
27 March 1992 (S/23761)

After the consultations held on 27 March 1992, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 27 March 1992 pursuant to paragraphs 21 and 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there still was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22, 23, 24 and 25 of resolution 687 (1991), as referred to in paragraph 28 of that resolution; and in paragraph 6 of resolution 700 (1991). The members of the Council expressed the hope that the offers of cooperation recently conveyed by Iraq will be fully matched by actual deeds.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
10 April 1992 (S/23803)

After the consultations held on 10 April 1992, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council have learnt with grave concern from the Executive Chairman of the Special Commission of recent developments which appear to call for a halt in and constitute a threat to the safety and security of the Special Commission's aerial surveillance flights over Iraq. The members of the Council wish to point out that the surveillance flights are carried out under the authority of Security Council resolutions 687, 707 and 715 (1991). Reaffirming the right of the Special Commission to conduct such aerial surveillance flights, the members of the Council call upon the Government of Iraq to take all the necessary steps to ensure that the Iraqi military forces will not interfere with or threaten the security of the flights concerned and to comply with its responsibilities to secure the safety of the Special Commission's aircraft and personnel while flying over Iraq. The members of the Council warn the Government of Iraq of the serious consequences which would ensue from any failure to comply with these obligations.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
27 May 1992 (S/24010)

After the consultations held on 27 May 1992, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 27 May 1992 pursuant to paragraph 21 of resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there still was no agreement that the necessary conditions existed for a modification of the regime established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
17 June 1992 (S/24113)

Following consultations of the Security Council held on 17 June 1992, the President of the Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council have noted the letter of 17 April 1992 from the Chairman of the Iraq-Kuwait Boundary Demarcation Commission

to the Secretary-General and express their complete support for the work of the Secretary-General and the Boundary Demarcation Commission in implementing paragraph 3 of resolution 687 (1991). They recall in this connection that through the demarcation process the Boundary Demarcation Commission is not reallocating territory between Kuwait and Iraq, but is simply carrying out the technical task necessary to demarcate the precise coordinates of the boundary between Kuwait and Iraq for the first time. This task is being carried out in the special circumstances following Iraq's invasion of Kuwait and pursuant to resolution 687 and the Secretary-General's report (S/22558) for implementing paragraph 3 of that resolution. They look forward to the completion of the work of the Commission.

The members of the Council have noted with particular concern the letter of 21 May 1992 from the Minister of Foreign Affairs of the Republic of Iraq to the Secretary-General (S/24044) concerning the work of the Boundary Demarcation Commission, which appears to call into question Iraq's adherence to Security Council resolution 687 (1991). The members of the Council are concerned in particular that the letter from Iraq of 21 May 1992 may be interpreted as rejecting the finality of the Boundary Demarcation Commission's decisions notwithstanding the terms of resolution 687 and the Secretary-General's report for implementing paragraph 3 of that resolution, both of which were formally accepted by Iraq.

They note with dismay that the letter recalls past Iraqi claims to Kuwait without also recalling Iraq's subsequent repudiations of these claims, *inter alia* through its acceptance of resolution 687 (1991). The members of the Council firmly reject any suggestion that tends to dispute the very existence of Kuwait, a Member State of the United Nations.

The members of the Council remind Iraq of its obligations under resolution 687 (1991), and in particular paragraph 2 thereof, and under other relevant resolutions of the Council.

The members of the Council also remind Iraq of its acceptance of the resolutions of the Council adopted pursuant to Chapter VII of the United Nations Charter, which forms the basis for the cease-fire. The members of the Council wish to stress to Iraq the inviolability of the international boundary between Iraq and Kuwait being demarcated by the Commission and guaranteed by the Council pursuant to resolution 687 (1991), and the grave consequences that would ensue from any breach thereof.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
6 July 1992 (S/24240)

Following consultations of the Security Council, held on 6 July 1992, the President of the Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council have learnt with concern of the refusal of the Government of Iraq to permit a team of inspectors sent to Iraq by the Special Commission to enter certain premises designated by the Special Commission for inspection.

The members of the Council recall that, under paragraph 9 (b) (i) of section C of Security Council resolution 687 (1991), Iraq is required to permit the Special Commission to undertake immediate on-site inspection of any locations designated by the Commission. This obligation is imposed as a result of a decision of the Council, taken under Chapter VII of the Charter. Furthermore, Iraq has agreed to such inspections as a condition precedent to the establishment of a formal cease-fire between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with Security Council resolution 678 (1990). The members of the Council further recall that by paragraph 2 (ii) of resolution 707 (1991) the Council has reaffirmed the relevant provision of resolution 687 (1991) and expressly demanded that Iraq "allow the Special Commission ... and their Inspection Teams immediate, unconditional, and unrestricted access to any and all

areas, facilities, equipment, records, and means of transportation which they wish to inspect".

Iraq's present refusal to permit access to the Inspection Team currently in Iraq to the premises designated by the Special Commission constitutes a material and unacceptable breach by Iraq of a provision of resolution 687 which established the cease-fire and provided the conditions essential to the restoration of peace and security in the region. The members of the Council demand that the Government of Iraq immediately agree to the admission to the premises concerned of the inspectors of the Special Commission as required by the Chairman of the Special Commission, so that the Special Commission may establish whether or not any documents, records, materials, or equipment relevant to the responsibilities of the Commission are located therein.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
17 July 1992 (S/24309)

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3098th meeting, on 17 July 1992, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The Security Council deeply deplores the murder of a member of the United Nations Guards Contingent in Iraq on 16 July 1992, in the Governorate of Dohuk. It supports the Secretary-General's decision to order an immediate and thorough investigation of this appalling crime. Members of the Council wish to express their sincere condolences to the family of the victim, Mr. Ravuama Dakia, and to the Government of Fiji.

The Security Council wishes to register its profound concern at the deteriorating security conditions affecting the safety and well-being of United Nations personnel in Iraq. The Council demands that attacks perpetrated against the United Nations Guards Contingent and other humanitarian personnel deployed in Iraq cease immediately and that maximum cooperation be extended by the authorities in the investigation of this crime, as well as in the protection of United Nations personnel.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
27 July 1992 (S/24352)

After the consultations held on 27 July 1992, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 27 July 1992 pursuant to paragraphs 21 and 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22, 23, 24 and 25 of resolution 687 (1991), as referred to in paragraph 28 of that resolution; and in paragraph 6 of resolution 700 (1991).

RESOLUTION 773 (1992)
26 August 1992

Adopted by a vote of 14 in favour, none against and 1 abstention (Ecuador).

Sponsors: France, Russian Federation, United Kingdom, United States.

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, and in particular paragraphs 2, 3 and 4 thereof, and its resolution 689 (1991) of 9 April 1991,

Recalling the report of the Secretary-General dated 2 May 1991 concerning the establishment of the United Nations Iraq-Kuwait Boundary Demarcation

Commission (the Commission) and the subsequent exchange of letters of 6 and 13 May 1991 (S/22558, S/22592 and S/22593),

Having considered the Secretary-General's letter of 12 August 1992 to the President of the Security Council transmitting the further report of the Commission,

Recalling in this connection that through the demarcation process the Commission is not reallocating territory between Kuwait and Iraq, but it is simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the restoration of Friendly Relations, Recognition and Related Matters signed by them on 4 October 1963, and that this task is being carried out in the special circumstances following Iraq's invasion of Kuwait and pursuant to resolution 687 (1991) and the Secretary-General's report for implementing paragraph 3 of that resolution (S/22558),

1. Welcomes the Secretary-General's letter of 12 August to the President of the Council and the further report of the Commission enclosed therewith;

2. Expresses its appreciation to the Commission for its work on the demarcation of the land boundary, and welcomes its demarcation decisions;

3. Welcomes also the decision of the Commission to consider the Eastern section of the boundary, which includes the offshore boundary, at its next session and urges the Commission to demarcate this part of the boundary as soon as possible and thus complete its work;

4. Underlines its guarantee of the inviolability of the above-mentioned international boundary and its decision to take as appropriate all necessary measures to that end in accordance with the Charter, as provided for in paragraph 4 of resolution 687 (1991);

5. Welcomes further the Secretary-General's intention to carry out at the earliest practicable time the realignment of the demilitarized zone referred to in paragraph 5 of resolution 687 (1991) to correspond to the international boundary demarcated by the Commission, with the consequent removal of the Iraqi police posts;

6. Urges the two States concerned to cooperate fully with the work of the Commission;

7. Decides to remain seized of the matter.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
2 September 1992 (S/24511)

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3112th meeting, on 2 September 1992, in connection with the Council's consideration of the item entitled "Letter dated 24 August 1992 from the Secretary-General addressed to the President of the Security Council (S/24509)":

The Security Council is deeply concerned at the current situation of the Inter-Agency Humanitarian Programme in Iraq, as outlined in the Secretary-General's letter of 24 August 1992 to the President of the Council (S/24509), including its reference to Iraq's failure to renew its Memorandum of Understanding with the United Nations.

The Security Council recalls the statement of 17 July 1992 (S/24309), in which the Council expressed its profound concern at the deteriorating conditions affecting the safety and well-being of United Nations personnel in Iraq. The Council is particularly disturbed by Iraq's continuing failure to ensure the safety of United Nations personnel and the personnel of non-governmental organizations (NGOs).

The Security Council expresses its concern regarding the conduct and statements of Iraq on the Inter-Agency Humanitarian Programme which are inconsistent with the previous Security Council resolutions that demand that Iraq cooperate with the international humanitarian organizations.

The Security Council affirms that the critical humanitarian needs of vulnerable groups in Iraq require the speedy conclusion of arrangements that would ensure the continuation of the Inter-Agency Humanitarian Programme. In this respect, the Council considers unrestricted access throughout the country and the assurance of adequate security measures as essential prerequisites for the effective implementation of the programme. To this end, the Council fully endorses the Secretary-General's insistence upon appropriate field offices for participating United Nations agencies and programmes and the continuing deployment of the United Nations Guards. The Council strongly supports the Secretary-General's continuing efforts to sustain a United Nations and NGO humanitarian presence throughout Iraq, and urges him to continue to use all resources at his disposal to help all those in need in Iraq. The Council urges Iraq in the strongest possible terms to cooperate with the United Nations.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
24 September 1992 (S/24584)

After the consultations held on 24 September 1992, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 24 September 1992 pursuant to paragraph 21 of resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there still was no agreement that the necessary conditions existed for a modification of the regime established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

RESOLUTION 778 (1992)
2 October 1992

Adopted by a vote of 14 in favour, none against and 1 abstention (China).

Sponsors: Belgium, France, Hungary, Japan, Russian Federation, United Kingdom, United States.

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 706 (1991) and 712 (1991),

Taking note of the letter of 15 July 1992 from the Secretary-General to the President of the Security Council on Iraq's compliance with the obligations placed on it by resolution 687 (1991) and subsequent resolutions,

Condemning Iraq's continued failure to comply with its obligations under relevant resolutions,

Reaffirming its concern about the nutritional and health situation of the Iraqi civilian population, and the risk of a further deterioration of this situation, and ***recalling*** in this regard its resolutions 706 (1991) and 712 (1991), which provide a mechanism for providing humanitarian relief to the Iraqi population, and resolution 688 (1991), which provides a basis for humanitarian relief efforts in Iraq,

Having regard to the fact that the period of six months referred to in resolutions 706 (1991) and 712 (1991) expired on 18 March 1992,

Deploring Iraq's refusal to cooperate in the implementation of resolutions 706 (1991) and 712 (1991), which puts its civilian population at risk, and which results in the failure by Iraq to meet its obligations under relevant Security Council resolutions,

Recalling that the escrow account provided for in resolutions 706 (1991) and 712 (1991) will consist of Iraqi funds administered by the Secretary-General which will be used to pay contributions to the Compensation Fund, the full costs of carrying out the tasks authorized by section C of resolution 687 (1991), the full costs incurred by the United Na-

tions in facilitating the return of all Kuwaiti property seized by Iraq, half the costs of the Boundary Commission, and the cost to the United Nations of implementing resolution 706 (1991) and of other necessary humanitarian activities in Iraq,

Recalling that Iraq, as stated in paragraph 16 of resolution 687 (1991), is liable for all direct damages resulting from its invasion and occupation of Kuwait, without prejudice to its debts and obligations arising prior to 2 August 1990, which will be addressed through the normal mechanisms,

Recalling its decision in resolution 692 (1991) that the requirement for Iraqi contributions to the Compensation Fund applies to certain Iraqi petroleum and petroleum products exported from Iraq before 2 April 1991, as well as to all Iraqi petroleum and petroleum products exported from Iraq after 2 April 1991,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that all States in which there are funds of the Government of Iraq, or its State bodies, corporations, or agencies, that represent the proceeds of sale of Iraqi petroleum or petroleum products, paid for by or on behalf of the purchaser on or after 6 August 1990, shall cause the transfer of those funds (or equivalent amounts) as soon as possible to the escrow account provided for in resolutions 706 (1991) and 712 (1991); provided that this paragraph shall not require any State to cause the transfer of such funds in excess of 200 million dollars or to cause the transfer of more than fifty per cent of the total funds transferred or contributed pursuant to paragraphs 1, 2 and 3 of this resolution; and further provided that States may exclude from the operation of this paragraph any funds which have already been released to a claimant or supplier prior to the adoption of this resolution, or any other funds subject to or required to satisfy the rights of third parties, at the time of the adoption of this resolution;

2. Decides that all States in which there are petroleum or petroleum products owned by the Government of Iraq, or its State bodies, corporations, or agencies, shall take all feasible steps to purchase or arrange for the sale of such petroleum or petroleum products at fair market value, and thereupon to transfer the proceeds as soon as possible to the escrow account provided for in resolutions 706 (1991) and 712 (1991);

3. Urges all States to contribute funds from other sources to the escrow account as soon as possible;

4. Decides that all States shall provide the Secretary-General with any information needed for the effective implementation of this resolution and that they shall take the necessary measures to ensure that banks and other bodies and persons provide all relevant information necessary to identify the funds referred to in paragraphs 1 and 2 above and details of any transactions relating thereto, or the said petroleum or petroleum products, with a view to such information being utilized by all States and by the Secretary-General in the effective implementation of this resolution;

5. Requests the Secretary-General:

(a) To ascertain the whereabouts and amounts of the said petroleum and petroleum products and the proceeds of sale referred to in paragraphs 1 and 2 of this resolution, drawing on the work already done under the auspices of the Compensation Commission, and report the results to the Security Council as soon as possible;

(b) To ascertain the costs of United Nations activities concerning the elimination of weapons of mass destruction, the provision of humanitarian relief in Iraq, and the other United Nations operations specified in paragraphs 2 and 3 of resolution 706 (1991); and

(c) To take the following actions:

(i) Transfer to the Compensation Fund, from the funds referred to in paragraphs 1 and 2 of this res-

olution, the percentage referred to in paragraph 10 of this resolution; and

(ii) use of the remainder of funds referred to in paragraphs 1, 2 and 3 of this resolution for the costs of United Nations activities concerning the elimination of weapons of mass destruction, the provision of humanitarian relief in Iraq, and the other United Nations operations specified in paragraphs 2 and 3 of resolution 706 (1991), taking into account any preference expressed by States transferring or contributing funds as to the allocation of such funds among these purposes;

6. Decides that for so long as oil exports take place pursuant to the system provided in resolutions 706 (1991) and 712 (1991) or to the eventual lifting of sanctions pursuant to paragraph 22 of resolution 687 (1991), implementation of paragraphs 1 to 5 of this resolution shall be suspended and all proceeds of those oil exports shall immediately be transferred by the Secretary-General in the currency in which the transfer to the escrow account had been made, to the accounts or States from which funds had been provided under paragraphs 1, 2 and 3 of this resolution, to the extent required to replace in full the amounts so provided (together with applicable interest); and that, if necessary for this purpose, any other funds remaining in the escrow account shall similarly be transferred to those accounts or States; provided, however, that the Secretary-General may retain and use any funds urgently needed for the purposes specified in paragraph 5 (c) (ii) of this resolution;

7. Decides that the operation of this resolution shall have no effect on rights, debts and claims existing with respect to funds prior to their transfer to the escrow account; and that the accounts from which such funds were transferred shall be kept open for retransfer of the funds in question;

8. Reaffirms that the escrow account referred to in this resolution, like the Compensation Fund, enjoys the privileges and immunities of the United Nations, including immunity from legal proceedings, or any forms of attachment, garnishment or execution; and that no claim shall lie at the instance of any person or body in connection with any action taken in compliance with or implementation of this resolution;

9. Requests the Secretary-General to repay, from any available funds in the escrow account, any sum transferred under this resolution to the account or State from which it was transferred, if the transfer is found at any time by him not to have been of funds subject to this resolution; a request for such a finding could be made by the State from which the funds were transferred;

10. Confirms that the percentage of the value of exports of petroleum and petroleum products from Iraq for payment to the Compensation Fund shall, for the purpose of this resolution and exports of petroleum or petroleum products subject to paragraph 6 of resolution 692 (1991), be the same as the percentage decided by the Security Council in paragraph 2 of resolution 705 (1991), until such time as the Governing Council of the Compensation Fund may decide otherwise;

11. Decides that no further Iraqi assets shall be released for purposes set forth in paragraph 20 of resolution 687 (1991) except to the subaccount of the escrow account, established pursuant to paragraph 8 of resolution 712 (1991), or directly to the United Nations for humanitarian activities in Iraq;

12. Decides that, for the purposes of this resolution and other relevant resolutions, the term "petroleum products" does not include petrochemical derivatives;

13. Calls upon all States to cooperate fully in the implementation of this resolution;

14. Decides to remain seized of this matter.

STATEMENT TO THE PRESS BY THE PRESIDENT OF THE COUNCIL 15 October 1992

The following statement was issued by the President of the Security Council:

The Security Council this afternoon received an interesting briefing from the Executive Chairman of the United Nations Special Commission (UNSCOM).

Ambassador Rolf Ekeus informed us about UNSCOM 45's general framework and purposes.

In his briefing, the Executive Chairman confirmed his decision to maintain this inspection according to the scheduled timetable. The Security Council expresses its support for this decision.

Chairman Ekeus also drew attention to press reports of a high-level statement made in Iraq, which would constitute a threat to the security of the United Nations inspectors. The Security Council stressed its particular concern for the safety of the inspectors.

Finally, the Council expressed the wish that Iraq will fully cooperate with UNSCOM 45 and will seize the opportunity to demonstrate its willingness to comply fully with Council resolutions.

STATEMENT BY THE PRESIDENT OF THE COUNCIL 23 November 1992 (S/24836)

Following consultations among members of the Security Council, the President of the Council made the following introductory statement, on behalf of the Council, at its 3139th meeting, on 23 November 1992, in connection with the Council's consideration of the item entitled:

(a) The situation between Iraq and Kuwait

(b) Letter dated 2 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/22435)

Letter dated 4 April 1991 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/22442)

Letter dated 5 March 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council (S/23685 and Add.1)

Letter dated 3 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council (S/24386)

Letter dated 19 November 1992 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council (S/24828).

I. General obligation

1. The resolutions concerning the situation between Iraq and Kuwait impose a number of general and specific obligations upon Iraq.

2. As regards the general obligations, Iraq is required, under paragraph 33 of Security Council resolution 687 (1991), to give official notification to the Secretary-General and to the Security Council of its acceptance of the provisions of that entire resolution.

3. Iraq signified its unconditional acceptance in letters dated 6 and 10 April 1991 (S/22456 and S/22480, respectively) and 23 January 1992 (S/23472).

II. Specific obligations

4. In addition to the general obligation to accept the provisions of resolution 687 (1991) in their entirety, several Security Council resolutions impose specific obligations upon Iraq.

(a) Respect for the inviolability of the international boundary

5. By paragraph 2 of resolution 687 (1991) the Security Council demands that Iraq respect the inviolability of the international boundary and the allocations of islands previously agreed upon between Iraq and Kuwait. Pursuant to paragraph 3 of that resolution, the Secretary-General established a Boundary Demarcation Commission to demarcate the boundary between Iraq and Kuwait. Paragraph 5 of the same resolution requires Iraq and Ku-

wait to respect a demilitarized zone (DMZ) established by the Security Council.

6. Iraq did not participate in the work of the Boundary Demarcation Commission at its July 1992 and October 1992 sessions. Iraq has refused up to now to withdraw a number of police posts that are not in line with UNIKOM's principle that both sides should stay 1,000 metres from the boundary line shown on UNIKOM's map. The Council in paragraph 2 of resolution 773 (1992) welcomed the Commission's land demarcation decisions and, by paragraph 5, the intention of the Secretary-General to carry out at the earliest practicable time the realignment of the DMZ to correspond to the international boundary demarcated, by the Commission, with the consequent removal of the Iraqi police posts.

7. In response to the Iraqi Foreign Minister's 21 May 1992 letter to the Secretary-General (S/24044), the Security Council in a 17 June 1992 statement (S/24113) stressed to Iraq the inviolability of the international boundary between Iraq and Kuwait being demarcated by the Commission and guaranteed by the Council pursuant to resolution 687 (1991). The Presidential statement also noted with dismay that the Iraqi Foreign Minister's letter recalled past Iraqi claims to Kuwait without also recalling Iraq's subsequent repudiation of these claims. The members of the Council firmly rejected any suggestion that tended to dispute the existence of Kuwait. Resolution 773 (1992) underlined the Council's guarantee of the abovementioned international boundary and its decision to take as appropriate all necessary measures to that end in accordance with the Charter, as provided for in paragraph 4 of resolution 687 (1991).

(b) Weapons-related obligations

8. Section C of resolution 687 (1991) imposes certain specific obligations upon Iraq with respect to its chemical and biological weapons programmes, its ballistic missile programmes with a range greater than 150 kilometres and its nuclear programmes. These obligations are elaborated upon in resolutions 707 (1991) and 715 (1991). The obligations are defined in paragraphs 8, 9, 10, 11, 12 and 13 of resolution 687 (1991) and they are elaborated upon in paragraphs 3 and 5 of resolution 707 (1991) and paragraph 5 of resolution 715 (1991).

9. By resolution 699 (1991), the Security Council decided that the Government of Iraq shall be liable for the full costs of carrying out the tasks authorized by section C of resolution 687 (1991). No funds have so far been received from Iraq to meet this liability.

10. The Council has noted that since the adoption of resolution 687 (1991) progress has been made in the implementation of section C of that resolution but that much remains to be done. In particular, Iraq needs to provide the full, final and complete disclosure of all aspects of its programmes for weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres. There is a particular and vital requirement for complete information, including credible documentary evidence on Iraq's past production, suppliers and consumption of all prohibited items, and its past capacity to produce such items.

11. Iraq must also acknowledge clearly its obligations under Security Council resolution 715 (1991) and the two plans for ongoing monitoring and verification approved thereunder. It must agree to implement these obligations unconditionally. In this connection the Council notes the letter of 28 October 1992 from Iraq's Minister of Foreign Affairs to the Secretary-General seeking a review of the terms and provisions not only of resolution 715 (1991) but also Security Council resolution 707 (1991). It is accordingly clear that Iraq seems unprepared to comply with the obligations already prescribed.

12. The Special Commission has informed the Council about the outstanding matters that would at the present time appear to be the most important. The Council has noted document S/24661 of 19 October 1992 entitled "The Status of the Im-

plementation of the Plan for the Ongoing Monitoring and Verification of Iraq's Compliance with Relevant Parts of Section C of Security Council resolution 687 (1991)".

13. The Council has also noted the document S/24722 of 28 October 1992 containing the second report of the Director General of the International Atomic Energy Agency (IAEA) on the implementation of the Agency's plan for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991).

14. In a statement issued on behalf of the members of the Council (S/23803) on the Special Commission's right to conduct aerial surveillance flights in Iraq, the President stated on 10 April 1992 that:

"The members of the Council wish to point out that the surveillance flights are carried out under the authority of Security Council resolutions 687 (1991), 707 (1991) and 715 (1991). Reaffirming the right of the Special Commission to conduct such aerial surveillance flights, the members of the Council call upon the Government of Iraq to take all the necessary steps to ensure that the Iraqi military forces will not interfere with or threaten the security of the flights concerned and to comply with its responsibilities to secure the safety of the Special Commission's aircraft and personnel flying over Iraq."

The President also said:

"that the members of the Council warn the Government of Iraq of the serious consequences which would ensue from any failure to comply with these obligations".

15. The Special Commission, on 15 October 1992, informed the Council of actions endangering the safety and security of the Commission's inspection teams in Iraq, including a systematic campaign of harassment, acts of violence, vandalism to property and verbal denunciations and threats at all levels. The President of the Council issued on the same day a statement to the press stressing the Council's particular concern for the safety of the Commission's inspectors.

16. In a further statement made on 6 July 1992 on behalf of the Council (S/24240) concerning the Government of Iraq's refusal to permit access to certain premises by a team of inspectors, the President said:

"Iraq's present refusal to permit access to the Inspection Team currently in Iraq to the premises designated by the Special Commission constitutes a material and unacceptable breach by Iraq of a provision of resolution 687 (1991) which established the cease-fire and provided the conditions essential to the restoration of peace and security in the region. The members of the Council demand that the Government of Iraq immediately agree to the admission to the premises concerned of the inspectors of the Special Commission as required by the Chairman of the Special Commission, so that the Special Commission may establish whether or not any documents, records, materials, or equipment relevant to the responsibilities of the Commission are located therein."

Security Council resolution 707 (1991) demands that Iraq allow the Special Commission, the IAEA and their inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect. Therefore, the Council cannot accept Iraq's insistence that there must be a limit on access by the inspection teams.

(c) Repatriation of and access to Kuwaiti and third-country nationals in Iraq

17. As regards Kuwaiti and third-country nationals in Iraq, Security Council resolutions 664 (1990), 666 (1990), 667 (1990), 674 (1990), 686 (1991) and 687 (1991) impose an obligation on Iraq to release, facilitate repatriation of, and arrange for immediate access to them, as well as the return of the remains of any deceased personnel of the forces of Kuwait and of the member States coop-

erating with Kuwait pursuant to resolution 678 (1990). Furthermore, paragraph 30 of resolution 687 (1991) requires Iraq to extend all necessary cooperation to the International Committee of the Red Cross (ICRC) in facilitating the search for Kuwaiti and third-country nationals still unaccounted for.

18. In spite of ICRC's best ongoing efforts, ICRC has not received information as to the whereabouts of the persons reported missing in Iraq. Nor has it received detailed and documented information on the search conducted by the Iraqi authorities. Following the 11-12 March 1992 Council meeting with the Iraqi Deputy Prime Minister, Iraq published in its press lists of those believed missing/detained inside Iraq. ICRC has still not received permission to visit Iraqi prisons and detention centres in accordance with standard ICRC criteria. Very few missing persons/detainees have been released since March 1992, while hundreds are believed still to be inside Iraq.

(d) Iraq's liability under international law

19. Another obligation concerns Iraq's liability under international law. In resolution 674 (1990), the Security Council reminds Iraq that "under international law it is liable for any loss, damage or injury arising in regard to Kuwait and third States, and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq". Its liability under international law is reaffirmed in paragraph 2 (b) of resolution 686 (1991) and paragraph 16 of resolution 687 (1991). Resolution 687 (1991) further specifies that it "is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait".

20. By paragraph 18 of the same resolution, the Security Council created a fund to pay compensation for claims that fall within paragraph 16, to be financed by a percentage of the value of the exports of petroleum and petroleum products from Iraq. In view of the existing economic sanctions against Iraq under resolution 661 (1991), Iraq was permitted by the Security Council under resolutions 706 (1991) and 712 (1991) to sell a limited quantity of oil, as an exception, a portion of the proceeds from which would be used to provide financial resources for the fund. To date, it has not availed itself of this possibility. The Council noted that this authorization lapsed on 18 March 1992 but indicated its readiness to authorize the regime for the sale of Iraqi petroleum and petroleum products for a like period of time as that specified in the resolutions and also its readiness to consider possible further extensions (S/23732, 19 March 1992). Since then Iraq has not shown any willingness to resume discussions about implementing these resolutions. The members of the Council are aware of a previous request by Iraq for a five-year moratorium on meeting its financial obligations, including payments into the Compensation Fund.

21. In view of Iraq's refusal to cooperate in the implementation of resolutions 706 (1991) and 712 (1991) after several rounds of technical discussions with the Secretariat, the Security Council adopted resolution 778 (1992) which mandates that certain frozen Iraqi assets be transferred to a United Nations escrow account. A portion of these funds will be transferred to the Compensation Fund.

(e) Repayment and servicing of Iraq's foreign debt

22. With regard to another obligation, the Security Council, in paragraph 17 of resolution 687 (1991), demands that Iraq scrupulously adhere to all of its obligations concerning servicing and repayment of its foreign debt.

(f) Nonentitlement to claims deriving from the effects of the measures taken by the Security Council in resolution 661 (1990) and related resolutions (para. 29 of resolution 687 (1991)) of the Security Council

23. According to information received with regard to this item, Iraq has attempted to enforce some

claims under which it would have benefitted from a contract frustrated by the coming into effect of the terms of resolution 661 (1990), in particular, through the confiscation of the property of foreign companies and organizations left in Iraq.

(g) Return of property

24. I now turn to the question of return of property. The Security Council, in paragraph 2 (d) of resolution 686 (1991), demands that Iraq immediately begin to return all Kuwaiti property seized by it, to be completed in the shortest possible period. The members of the Council have previously noted with satisfaction that Iraqi officials involved with the return of property have extended cooperation to the United Nations to facilitate the return. However, much property, including military equipment and private property, remains to be returned.

(h) Monthly statements of gold and foreign currency reserves

25. Another obligation is set out by paragraph 7 of resolution 706 (1991), under which the Government of Iraq is required to provide to the Secretary-General and appropriate international organizations monthly statements of its gold and foreign currency reserves. To date, no such statements have been provided to the Secretary-General or to the IMF.

(i) Undertaking not to commit or support acts of international terrorism

26. By paragraph 32 of resolution 687 (1991), Iraq is required not to commit or support acts of international terrorism or allow any organization directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism.

27. The Council notes Iraq's statements contained in letters dated 11 June 1991 (S/22687 and S/22689) and 23 January 1992 (S/23472) that it is a party to international conventions against terrorism and that it has never pursued a policy favourable to international terrorism as defined by international law.

(j) Security Council action with respect to the Iraqi civilian population

28. Resolutions 706 (1991) and 712 (1991) provide a means for Iraq to meet its obligations to supply its civilian population with needed humanitarian assistance, particularly food and medicine. Resolution 778 (1992) mandates that certain frozen Iraqi assets be transferred to a United Nations escrow account and urges States to contribute funds from other sources to the escrow account. A portion of these funds will be used for humanitarian assistance.

III. Security Council resolution 688 (1991)

29. I should now like to refer to the demands by the Security Council with respect to the Iraqi civilian population. In paragraph 2 of resolution 688 (1991), the Security Council demands that Iraq, as a contribution to removing the threat to international peace and security in the region, end the repression of its civilian population. In paragraphs 3 and 7, the Security Council insists that it allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq, and demands its cooperation with the Secretary-General to these ends.

30. The Security Council remains deeply concerned at the grave human rights abuses that, despite the provisions of resolution 688 (1991), the Government of Iraq continues to perpetrate against its population, in particular in the northern region of Iraq, in southern Shi'a Centres and in the southern marshes (Commission on Human Rights resolution 1992/71 of 5 March 1992). The Security Council notes that this situation is confirmed by the reports of the Special Rapporteur of the Commission on Human Rights (E/CN.4/1992/31, also circulated as document S/23685 and Add.1, and part I of the interim report circulated as document S/24386). The members of the Council recall

their public meeting with Mr. Max van der Stoel on 11 August 1992.

31. The members of the Security Council take note of the renewal on 22 October 1992 the Memorandum of Understanding providing the framework for urgent humanitarian assistance throughout the country between the United Nations and the Government of Iraq.

IV. Concluding observation

32. In view of the observations on the record of Iraq's performance, and without prejudice to further action by the Security Council on the question of the implementation of its relevant resolutions by Iraq, the Security Council has considered itself justified in concluding that Iraq has up to now only selectively and then partially complied with the obligations placed upon it by the Council. It is the Council's hope that this meeting will prove a valuable opportunity to impress once again upon Iraq the imperative need for full compliance and to obtain from Iraq undertakings which would constitute an advance in the consideration of this issue as required in the interest of world peace and security, as well as that of the Iraqi people.

STATEMENT BY THE PRESIDENT OF THE COUNCIL 24 November 1992 (S/24839)

Following consultations among members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3139th meeting (resumed), on 24 November 1992, in connection with the Council's consideration of the item entitled:

(a) The situation between Iraq and Kuwait

(b) Letter dated 2 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/22435)

Letter dated 4 April 1991 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/22442)

Letter dated 5 March 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council (S/23685 and Add. 1)

Letter dated 3 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council (S/24386)

Letter dated 19 November 1992 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council (S/24828).

In concluding the present stage of the consideration of the item on the agenda, I have been authorized, following consultations among members of the Security Council, to make the following statement on behalf of the Council:

The views of the Security Council having been expressed through its President and by the statements of its members on the extent of compliance by the Government of Iraq with its obligations under the relevant Security Council resolutions, the Council has listened with close attention to the statements by the Deputy Prime Minister of Iraq. The Council regrets the lack of any indication in the statements by the Deputy Prime Minister of Iraq of how the Government of Iraq intends to comply with the resolutions of the Council. It also regrets the baseless threats, allegations and attacks launched by the Deputy Prime Minister of Iraq against the Council, the Special Commission, the International Atomic Energy Agency (IAEA), the Iraq-Kuwait Boundary Demarcation Commission and the Committee established by resolution 661 (1990). The Council rejects *in toto* these threats, allegations and attacks.

Having heard all the interventions in the debate, the Council reiterates its full support for the statement made by the President of the Council on its behalf at the opening of the 3139th meeting (S/24836).

In the view of the Security Council, while there have been some positive steps, the Government of Iraq has not yet complied fully and unconditionally with its obligations, must do so and must immediately take the appropriate actions in this regard.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
24 November 1992 (S/24843)

After the consultations held on 24 November 1992, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 24 November 1992 pursuant to paragraphs 21 and 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22, 23, 24 and 25 of resolution 687 (1991), as referred to in paragraph 28 of resolution 687 (1991); and in paragraph 6 of resolution 700 (1991).

STATEMENT BY THE PRESIDENT OF THE COUNCIL
8 January 1993 (S/25081)

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3161st meeting, held on 8 January 1993, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The Security Council is deeply disturbed by the Government of Iraq's recent Notes to the Office of the Special Commission in Baghdad and to the Headquarters of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) that it will not allow the United Nations to transport its personnel into Iraqi territory using its own aircraft.

The Security Council refers to resolution 687 (1991) requiring Iraq to permit the Special Commission and the IAEA to undertake immediate on-site inspection of any locations designated by the Commission. The agreement on facilities, privileges and immunities between the Government of Iraq and the United Nations, and resolutions 707 (1991) and 715 (1991) elaborated on Iraq's obligations by demanding, *inter alia*, that the Special Commission and the IAEA be allowed, as they determined necessary, to use their own aircraft throughout Iraq and any airfield in Iraq without interference or hindrance of any kind. Concerning UNIKOM, Iraq is obligated by resolution 687 (1991) and committed by an exchange of letters dated 15 April 1992 and 21 June 1992 respectively to the unrestricted freedom of entry and exit without delay or hindrance of its personnel, property, supplies, equipment, spare parts and means of transport.

The implementation of the measures set out in the recent communications of the Iraqi Government would seriously impede the activities of the Special Commission, the IAEA and UNIKOM. Such restrictions constitute an unacceptable and material breach of the relevant provisions of resolution 687 (1991), which established the cease-fire and provided the conditions essential to the restoration of peace and security in the region, as well as other relevant resolutions and agreements.

The Council demands that the Government of Iraq abide by its obligations under all relevant Security Council resolutions and cooperate fully with the activities of the Special Commission, the IAEA and UNIKOM. In particular, it demands that the Government of Iraq not interfere with the currently envisaged United Nations flights. The Security Council warns the Government of Iraq, as it has done in this connection in the past, of the serious consequences which would ensue from failure to comply with its obligations.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
11 January 1993 (S/25091)

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3162nd meeting, held on 11 January 1993, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The Security Council notes that there have been a number of recent actions by Iraq as part of its pattern of flouting relevant Security Council resolutions. One was the series of border incidents involving the United Nations Iraq-Kuwait Observation Mission (UNIKOM); another was the incident concerning the United Nations Special Commission (UNSCOM) and UNIKOM flights.

The Security Council is deeply concerned at the incidents reported in the Secretary-General's special report of 10 January 1993 on UNIKOM (S/25085). The Security Council recalls the provisions of resolution 687 (1991) that established the Demilitarized Zone between Iraq and Kuwait and demanded that both countries respect the inviolability of the international boundary between them. It reaffirms that the boundary was at the very core of the conflict and that, in resolutions 687 (1991) and 773 (1991), it guaranteed the inviolability of the boundary and undertook to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations.

The Council condemns the action taken by Iraq on 10 January 1993 to remove equipment by force from the Kuwaiti side of the demilitarized zone without prior consultation with UNIKOM, and through UNIKOM with the Kuwaiti authorities, as set out in the letter of 8 January 1993 from the President of the Security Council to the Secretary-General. In particular, the Council draws attention to the removal by Iraq of four HY-2G anti-ship missiles and other military equipment from the six bunkers in the former Iraqi naval base at Umm Qasr on Kuwaiti territory, in spite of the objections of UNIKOM and their efforts to prevent this. This action is a direct challenge to the authority of UNIKOM and amounts to clear cut defiance by Iraq of the Council, which stipulated in the letter of 3 November 1992 from the President of the Council to the Secretary-General that the military equipment in the six bunkers should be destroyed by or under the supervision of UNIKOM. The Council demands that the anti-ship missiles and other military equipment removed by force from the six bunkers at Umm Qasr in Kuwaiti territory be returned immediately to the custody of UNIKOM for destruction, as previously decided.

The Council also condemns further Iraqi intrusions into the Kuwaiti side of the demilitarized zone on 11 January 1993. It demands that any future retrieval mission be in accordance with the terms set out in the letter of 8 January 1993 from the President of the Council to the Secretary-General. On the UNIKOM facilities at Camp Khor, the Council stresses that the land and premises occupied by UNIKOM shall be inviolate and subject to the exclusive control and authority of the United Nations.

The Council invites the Secretary-General, as a first step, to explore on an urgent basis the possibilities for restoring UNIKOM to its full strength and to consider in an emergency such as this the need for rapid reinforcement as set out in paragraph 18 of his report of 12 June 1991 (S/22692), as well as any other suggestions that he might have to enhance the effectiveness of UNIKOM, and to report back to the Council.

The Council is also alarmed by Iraq's refusal to allow the United Nations to transport its Special Commission (UNSCOM) and UNIKOM personnel into Iraqi territory using its own aircraft. In this connection the Council reiterates the demand in its statement of 8 January 1993 that Iraq permit UNSCOM and UNIKOM to use their own aircraft to transport their personnel into Iraq. It rejects the arguments contained in the letter of 9 January 1993 from the Minister of Foreign Affairs of Iraq to the President of the Security Council (S/25086).

These latest developments concerning the activities of UNIKOM and UNSCOM constitute further material breaches of resolution 687 (1991), which established the cease-fire and provided the conditions essential for the restoration of peace and security in the region, as well as other relevant resolutions and agreements. The Council demands that Iraq cooperate fully with UNIKOM, UNSCOM and other United Nations agencies in carrying out their mandates, and again warns Iraq of the serious consequences that will flow from such continued defiance. The Council will remain actively seized of the matter.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
25 January 1993 (S/25157)

After the consultations held on 25 January 1993, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 25 January 1993 pursuant to paragraph 21 of Security Council resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

RESOLUTION 806 (1993)
5 February 1993

Adopted by unanimous vote.

Prepared in the course of the Council's consultations.

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, and in particular paragraphs 2, 3, 4 and 5 thereof, and its resolutions 689 (1991) of 9 April 1991 and 773 (1992) of 26 August 1992, and its other resolutions on this matter,

Having considered the report of the Secretary-General of 18 January 1993 (S/25123),

Noting with approval that work is being completed on the realignment of the demilitarized zone referred to in paragraph 5 of resolution 687 (1991) to correspond to the international boundary demarcated by the United Nations Iraq-Kuwait Boundary Demarcation Commission,

Deeply concerned at recent actions by Iraq in violation of relevant Security Council resolutions, including the series of border incidents involving the United Nations Iraq-Kuwait Observation Mission (UNIKOM),

Recalling the statements made by the President on behalf of the Council on 8 January 1993 (S/25081) and on 11 January 1993 (S/25091),

Acting under Chapter VII of the Charter of the United Nations,

1. Underlines once again its guarantee of the inviolability of the international boundary between the State of Kuwait and the Republic of Iraq and its decision to take as appropriate all necessary measures to that end in accordance with the Charter, as provided for in paragraph 4 of resolution 687 (1991);

2. Approves the report, and decides to extend the terms of reference of UNIKOM to include the functions contained in paragraph 5 of the report;

3. Requests the Secretary-General to plan and execute a phased deployment of the strengthening of UNIKOM taking into account the need for economy and other relevant factors and to report to the Council on any step he intends to take following an initial deployment;

4. Reaffirms that the question of termination or continuation of UNIKOM and the modalities of UNIKOM will continue to be reviewed every six months

pursuant to paragraphs 2 and 3 of resolution 689 (1991), the next review to take place in April 1993;

5. Decides to remain seized of the matter.

STATEMENT BY THE PRESIDENT OF THE COUNCIL 29 March 1993 (S/25480)

After the consultations held on 23 and 29 March 1993, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 23 and 29 March 1993 pursuant to paragraphs 21 and 28 of Security Council resolution 687 (1991) and paragraph 6 of Security Council resolution 700 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of Security Council resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22, 23, 24 and 25 of Security Council resolution 687 (1991), as referred to in paragraph 28 of resolution 687 (1991); and in paragraph 6 of Security Council resolution 700 (1991).

STATEMENT BY THE PRESIDENT OF THE COUNCIL 24 May 1993 (S/25830)

After the consultations held on 24 May 1993, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 24 May 1993 pursuant to paragraph 21 of resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

RESOLUTION 833 (1993) 27 May 1993

Adopted by unanimous vote.

Prepared in the course of the Council's consultations.

The Security Council,

Reaffirming its resolution 687 (1991) of 3 April 1991, and in particular paragraphs 2, 3, and 4 thereof, its resolution 689 (1991) of 9 April 1991, its resolution 773 (1992) of 26 August 1992, and its resolution 806 (1993) of 5 February 1993,

Recalling the report of the Secretary-General dated 2 May 1991 concerning the establishment of the United Nations Iraq-Kuwait Boundary Demarcation Commission (the Commission), the subsequent exchange of letters of 6 and 13 May 1991 (S/22558, S/22592 and S/22593), and the acceptance of the report by Iraq and Kuwait,

Having considered the Secretary-General's letter of 21 May 1993 to the President of the Security Council transmitting the final report of the Commission (S/25811 and Add.1) dated 20 May 1993,

Recalling in this connection that through the demarcation process the Commission was not reallocating territory between Kuwait and Iraq, but it was simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters" signed by them on 4 October 1963, and that this task was carried out in the special circumstances following Iraq's in-

vasion of Kuwait and pursuant to resolution 687 (1991) and the Secretary-General's report for implementing paragraph 3 of that resolution (S/22558),

Reminding Iraq of its obligations under resolution 687 (1991), and in particular paragraph 2 thereof, and under other relevant resolutions of the Council, and of its acceptance of the resolutions of the Council adopted pursuant to Chapter VII of the Charter of the United Nations, which forms the basis for the cease-fire,

Noting with approval the Secretary-General's instruction to the United Nations Iraq-Kuwait Observation Mission (UNIKOM) to finalize the realignment of the demilitarized zone with the entire international boundary between Iraq and Kuwait demarcated by the Commission,

Welcoming the Secretary-General's decision to make the necessary arrangements for the maintenance of the physical representation of the boundary, as recommended by the Commission in Section X (c) of its report, until other technical arrangements are established between Iraq and Kuwait for this purpose,

Acting under Chapter VII of the Charter of the United Nations,

1. Welcomes the Secretary-General's letter of 21 May 1993 to the President of the Council and the 20 May 1993 report of the Commission (S/25811 and Add.1) enclosed therewith;

2. Welcomes also the successful conclusion of the work of the Commission;

3. Expresses its appreciation to the Commission for its work on the land part of the boundary as well as the Khor Abdullah or offshore section of the boundary, and ***welcomes*** its demarcation decisions;

4. Reaffirms that the decisions of the Commission regarding the demarcation of the boundary are final;

5. Demands that Iraq and Kuwait in accordance with international law and relevant Security Council resolutions respect the inviolability of the international boundary, as demarcated by the Commission, and the right to navigational access;

6. Underlines and reaffirms its decision to guarantee the inviolability of the above-mentioned international boundary which has now been finally demarcated by the Commission and to take as appropriate all necessary measures to that end in accordance with the Charter, as provided for in paragraph 4 of resolution 687 (1991) and paragraph 4 of resolution 773 (1992);

7. Decides to remain seized of the matter.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
18 June 1993 (S/25970)

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3242nd meeting, on 18 June 1993, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The Security Council is deeply concerned by the Government of Iraq's de facto refusal to accept the United Nations Special Commission's (UNSCOM) installation of monitoring devices at rocket test sites and to transport chemical weapons-related equipment to a designated site for destruction, as set out in a report from the Executive Chairman of the Special Commission to the President of the Security Council (S/25960).

The Council refers to resolution 687 (1991) requiring Iraq to permit the Special Commission and the International Atomic Energy Agency (IAEA) to undertake immediate on-site inspection of any locations designated by the Commission. The agreement on facilities, privileges and immunities between the Government of Iraq and the United Nations, and resolutions 707 (1991) and 715 (1991), clearly establish Iraq's obligation to accept the presence of monitoring equipment desig-

noted by the Special Commission, and that it is for the Special Commission alone to determine which items must be destroyed under paragraph 9 of resolution 687 (1991).

Iraq must accept installation by UNSCOM of monitoring devices at the rocket test sites in question and transport the chemical weapons-related equipment concerned to a designated site for destruction.

The Council reminds Iraq that resolution 715 (1991) approved plans for monitoring by the Special Commission and the IAEA which clearly require Iraq to accept the presence of such monitoring equipment at Iraqi sites, designated by the Special Commission, to ensure continuing compliance with its obligations under Security Council resolution 687 (1991).

Iraq's refusal to comply with decisions of the Special Commission, as set out in the report of the Executive Chairman, constitutes a material and unacceptable breach of the relevant provisions of resolution 687 (1991), which established the cease-fire and provided the conditions essential to the restoration of peace and security in the region, as well as violations of Security Council resolutions 707 (1991) and 715 (1991) and the plans for future ongoing monitoring and verification approved thereunder. In this context, it recalls the statements of 8 January 1993 (S/25081) and 11 January 1993 (S/25091), and warns the Government of Iraq of the serious consequences of material breaches of resolution 687 (1991) and violations of its obligations under resolution 715 (1991) and the above-mentioned plans.

The Council reminds the Government of Iraq of its obligations under Security Council resolutions and its undertakings to provide for the safety of inspection personnel and equipment. The Council demands that the Government of Iraq immediately comply with its obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991), and cease its attempts to restrict the Commission's inspection rights and operational capabilities.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
28 June 1993 (S/26006)

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3246th meeting, on 28 June 1993, in connection with the Council's consideration of the item entitled "The situation between Iraq and Kuwait":

The Security Council has noted with particular concern the letter of 6 June 1993 from the Minister for Foreign Affairs of the Republic of Iraq to the Secretary-General (S/25905) concerning resolution 833 (1993).

The Council recalls in this connection that the Iraq-Kuwait Boundary Demarcation Commission did not reallocate territory between Kuwait and Iraq, but simply carried out the technical task necessary to demarcate the precise coordinates for the first time, on the basis of "The Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters" signed by them on 4 October 1963, which were registered with the United Nations. The Council reminds Iraq that the Boundary Demarcation Commission acted on the basis of resolution 687 (1991) and the Secretary-General's report on implementing paragraph 3 of that resolution, both of which were formally accepted by Iraq. In its resolution 833 (1993), the Council reaffirmed that the decisions of the Commission were final, and demanded that Iraq and Kuwait respect the inviolability of the international boundary as demarcated by the Commission and the right to navigational access.

The Council also reminds Iraq of its acceptance of resolution 687 (1991) of the Council, which forms the basis for the cease-fire. The Council wishes to stress to Iraq the inviolability of the international boundary between Iraq and Kuwait, demarcated by the Commission and guaranteed by the

Council pursuant to resolutions 687 (1991), 773 (1992) and 833 (1993), and the serious consequences that would ensue from any breach thereof.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
21 July 1993 (S/26126)

Following the consultations held on 21 July 1993, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 21 July 1993 pursuant to paragraphs 21 and 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22, 23, 24 and 25 of resolution 687 (1991), as referred to in paragraph 28 of resolution 687 (1991); and in paragraph 6 of resolution 700 (1991).

STATEMENT BY THE PRESIDENT OF THE COUNCIL
20 September 1993 (S/26474)

After the consultations held on 20 September 1993, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 20 September 1993 pursuant to paragraph 21 of resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
18 November 1993 (S/26768)

After the consultations held on 18 November 1993, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 18 November 1993 pursuant to paragraphs 21 and 28 of resolution 687 (1991) and paragraph 6 of resolution 700 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22, 23, 24 and 25 of resolution 687 (1991), as referred to in paragraph 28 of resolution 687 (1991); and in paragraph 6 of resolution 700 (1991).

STATEMENT BY THE PRESIDENT OF THE COUNCIL
23 November 1993 (S/26787)

At the 3319th meeting of the Security Council, held on 23 November 1993, in connection with the Council's consideration of the item "The situation between Iraq and Kuwait", the President of the Security Council made the following statement on behalf of the Council:

The Security Council is seriously concerned about recent violations of the Iraq-Kuwait boundary as reported by the United Nations Iraq-Kuwait Observation Mission (UNIKOM), most notably those on 16 and 20 November 1993, when large numbers of Iraqi nationals crossed the boundary illegally. The Council holds the Government of Iraq responsible for these breaches of paragraph 2 of resolution 687 (1991).

The Security Council reminds Iraq of its obligations under resolution 687 (1991), the acceptance of which forms the basis of the cease-fire, and under other relevant resolutions of the Council, including most recently resolution 833 (1993).

The Security Council demands that Iraq, in accordance with international law and relevant Security Council resolutions, respect the inviolability of the international boundary, and take all necessary measures to prevent any violations of that boundary.

STATEMENT BY THE PRESIDENT OF THE COUNCIL
18 January 1994 (S/PRST/1994/3)

After the consultations held on 18 January 1994, the President of the Security Council issued the following statement on behalf of the members of the Council in connection with the item entitled "The situation between Iraq and Kuwait":

The members of the Security Council held informal consultations on 18 January 1994 pursuant to paragraph 21 of resolution 687 (1991).

After hearing all the opinions expressed in the course of the consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for a modification of the regime established in paragraph 20 of resolution 687 (1991), as referred to in paragraph 21 of that resolution."

RESOLUTION 899 (1994)
4 March 1994

Adopted by unanimous vote.

Prepared in the course of the Council's consultations.

The Security Council,

Recalling its resolution 833 (1993) of 27 May 1993,

Having considered the Secretary-General's letter of 22 February 1994 (S/1994/240) concerning the matter of the Iraqi private citizens and their assets which remained on Kuwaiti territory following the demarcation of the international boundary between Iraq and Kuwait, and ***welcoming*** the developments and arrangements described therein,

Acting under Chapter VII of the Charter of the United Nations,

Decides that the compensation payments to be made pursuant to the arrangements described in the Secretary-General's letter of 22 February 1994 may be remitted to the private citizens concerned in Iraq, notwithstanding the provisions of resolution 601 (1990).

THE SECURITY COUNCIL

Under the United Nations Charter, the Security Council has the primary responsibility for the maintenance of international peace and security. All United Nations Member States have agreed to accept and carry out the Council's decisions in accordance with the Charter. The Council is composed of 15 members. Five are permanent: China, France, Russian Federation,[1/] United Kingdom, United States. The ten non-permanent members are elected by the General Assembly to serve two-year terms, five new members being elected every year. During the period when the first twelve resolutions relating to the situation between Iraq and Kuwait were adopted, that is in 1990, the non-permanent members of the Security Council were: Canada, Colombia, Côte d'Ivoire, Cuba, Ethiopia, Finland, Malaysia, Romania, Yemen and Zaire. On 1 January 1991, Austria, Belgium, Ecuador, India and Zimbabwe replaced Canada, Colombia, Ethiopia, Finland and Malaysia for two-year terms. In 1992, the non-permanent members were Austria, Belgium, Cape Verde, Ecuador, Hungary, India, Japan, Morocco, Venezuela and Zimbabwe; in 1993, Brazil, Cape Verde, Djibouti, Hungary, Japan, Morocco, New Zealand, Pakistan, Spain and Venezuela; and in 1994, Argentina, Brazil, Czech Republic, Djibouti, New Zealand, Nigeria, Oman, Pakistan, Rwanda and Spain.

Each member of the Council has one vote. Decisions on substantive matters require nine affirmative votes including the concurring votes of all five permanent members. The permanent members may abstain or not participate at all in the voting, and still satisfy the stipulation of their concurrence in the affirmative vote. A negative vote by any permanent member means the rejection of the draft resolution or proposal.

CHAPTER VII OF THE CHARTER

In dealing with the situation between Iraq and Kuwait, the Security Council has taken decisions under Chapter VII of the United Nations Charter. Under this Chapter, conceived as a key element of the UN system of collective security, the Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security". Such measures could include partial or complete interruption of economic relations and means of communication and the severance of diplomatic relations. Should those measures prove inadequate, the Council can take "such action by air, sea or land forces as may be necessary to restore international peace and security".

Prior to the imposition of sanctions against Iraq and occupied Kuwait in 1990, sanctions had been imposed by the Council in two other situations — on Southern Rhodesia between 1966 and 1979 (in response to its unilateral declaration of independence from the United Kingdom) and on South Africa in 1977 in the form of an arms embargo (in response to the Council's determination that in the context of its apartheid policies and attacks against neighbouring States, the acquisition

by South Africa of arms and related *matériel* constituted a threat to the maintenance of international peace and security).

Since 1990, the Security Council, acting under Chapter VII of the Charter, has imposed sanctions on a number of occasions in situations constituting a threat to international peace and security. In 1991, the Council decided that all States should implement a general and complete embargo on all deliveries of weapons and military equipment to each of the countries that constituted the former Yugoslavia for the purposes of establishing peace and stability there.

In the course of 1992, the Council decided: that all States should implement comprehensive economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro); that all States should implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia; that all States should adopt measures to, among other things, prohibit the provision of weapons and ammunition and the supply of aircraft or aircraft components to the Libyan Arab Jamahiriya; and that all States should implement a general and complete embargo on all deliveries of weapons and military equipment to Liberia.

In 1993, the Council decided that all States should prevent the sale or supply of petroleum or petroleum products or arms and related *matériel* to Haiti and should carry out certain other sanctions. The Council subsequently suspended these measures but later terminated the suspension. The Council also decided to impose a similar embargo against the União Nacional para a Independência Total de Angola (UNITA) in Angola.

Prior to its authorization of the use of force against Iraq, the Council had authorized the use of force in two situations, although Chapter VII of the Charter was not explicitly invoked in the enabling resolutions. In 1950, as the Korean War began, the Security Council, with the Soviet Union absent[2/], recommended that all Member States providing military forces and other assistance place them under a unified command under the United States of America. In the case of the Congo in 1961, the Security Council, under exceptional circumstances, authorized the United Nations peace-keeping operation known as ONUC (1960—1964) to use force as a last resort to prevent civil war in that country.

Since 1990, reasonable use of force has been authorized in a number of situations. In 1992, the Council authorized the Secretary-General and Member States to use all necessary means to establish a secure environment for humanitarian relief operations in Somalia. In 1993, the Council authorized Member States to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the United Nations Protection Force (UNPROFOR), all necessary measures in the airspace of the Republic of Bosnia and Herzegovina to ensure compliance with a ban on flights in that country. It later authorized UNPROFOR in Bosnia and Herzegovina, acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties. The Council also decided that Member States might take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures, through the use of air

power, in and around the safe areas in that republic to support UNPROFOR in the performance of its mandate. In 1994, the Security Council decided that Member States might take all necessary measures to extend close air support to the territory of the Republic of Croatia in defence of UNPROFOR personnel in the performance of UNPROFOR's mandate.

In addition, the Council has authorized groups of regional or concerned States, acting in concert or individually, to use reasonable force to stop and search vessels on land, air or on international waterways in order to ensure effective implementation of sanctions, as in the case of the sanctions imposed on Iraq, the former Republic of Yugoslavia (Serbia and Montenegro) and Haiti.

NOTES

1/ The Union of Soviet Socialist Republics was an original Member of the United Nations from 24 October 1945. In a letter dated 24 December 1991, the President of the Russian Federation informed the Secretary-General that the membership of the Union of Soviet Socialist Republics in the United Nations, including the Security Council and all other organs and organizations of the United Nations system, was being continued by the Russian Federation with the support of the countries of the Commonwealth of Independent States.

2/ The Soviet Union was absenting itself from the Security Council in protest over the fact that the Government of the Republic of China, rather than the People's Republic of China, was represented in the Council.

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or

agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

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